

## TOWN OF RIVERHEAD

RESOLUTION # 423ORDER CALLING PUBLIC HEARING - EXTENSION 35A TO THE RIVERHEAD  
WATER DISTRICTADOPTED June 20, 1989

Councilman Boschetti offered the following resolution which was seconded by Councilman Pike,

WHEREAS, application has been made by Route 25A Offices, Wading River, New York, for extension to the developed Riverhead Water District to provide public water to the offices currently pending final approval before the Riverhead Town Board, and

WHEREAS, a map and plan detailing the proposed construction of water mains and appurtenances has been prepared by H2M, consulting engineers to the Riverhead Water District, and

WHEREAS, the maximum amount to be expended for the installation of the mains is \$85,000 all to be borne by the applicant, said extension to be at no cost to the district, and

WHEREAS, key money will be paid by the applicant in the amount to be determined upon the evidence of the public hearing, which will offset the anticipated burden of the additional service required, and

WHEREAS, the boundary of said extension is set forth fully in the attached Exhibit A, and

WHEREAS, it is necessary for the Town Board to hold a public hearing to hear all persons wishing to be heard with regard to the granting of a contract by the Riverhead Water District to the applicant. Such contract to provide for the installation of water mains and appurtenances at the sole cost of the applicant and at no cost to the district and the payment of key money pursuant to Chapter 105 of the Riverhead Town Code,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board will hold a public hearing on the 5th day of July, 1989, at 8:05 o'clock p.m. at the Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, to hear all interested persons with regard to the extension to the Riverhead Water District to be known as Extension 35A, and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to publish and post a copy of this resolution in full

in the June 22, 1989, edition of The New Review, and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to forward a copy of this resolution to Gary Pendzick, Pierre G. Lundberg, Esq., Mark Michaels, AIA, and Sam McLendon.

BY ORDER OF THE RIVERHEAD TOWN BOARD  
Irene J. Pendzick Town Clerk

Dated: June 20, 1989  
Riverhead, NY

The vote, Boschetti, yes, Pike, yes, Civiletti, yes,  
Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

## EXHIBIT B-2

RIVERHEAD WATER DISTRICT  
DESCRIPTION OF EXTENSION NO. 35A  
ROUTE 25A OFFICES (WADING RIVER)

BEGINNING at a point on the existing Riverhead Water District boundary (Extension No. 35 Wading River) which point is the southwest corner of Section 75, Block 1, Lot 5.4, also the northwest corner of Section 75, Block 1, Lot 4.2.

Running thence easterly along the southside of Lot 5.4 and a portion of Lot 5.5 (the north line of Lots 4.2, 4.3 and 4.4 to the northeast corner of Lot 4.4).

Thence southerly along the east line of Lot 4.4 (west line of Lot 4.1) to and across New York State Route 25A and along an extension of this line to a point 500 feet south of New York State Route 25A, said point being within Section 75, Block 3, Lot 10.1.

Thence westerly along a line parallel to and 500 feet south of New York State Route 25A to the west line of Lot 10.1 (east line of Lot 4).

Thence northerly along the west line of Lot 10.1 (east line of Lot 4) to and across New York State Route 25A to the southwest corner of Section 75, Block 1, Lot 4.2.

Thence northerly along the west line of Lot 4.2 (east line of Lot 3) to the northwest corner of Lot 4.2, the point of BEGINNING.

# 424 AUTHORIZES TOWN CLERK TO PUBLISH AND POST NOTICE  
RE: CHANGE OF MEETING DATE FROM JULY 4, 1989 TO  
JULY 5, 1989

Councilperson Pike offered the following  
resolution which was seconded by Councilperson Boschetti.

WHEREAS, the next regularly scheduled Town Board Meeting is  
July 4, 1989; and

WHEREAS, Town Hall will be closed July 4, 1989 in observance  
of Independence Day; and

WHEREAS, it is recommended that the date of the next meeting  
of the Riverhead Town Board be changed from July 4, 1989 to July  
5, 1989.

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk be and  
is hereby authorized to publish and post the below Public Notice  
advising the public of the change of date of the next Town Board  
Meeting.

PUBLIC NOTICE

PLEASE TAKE NOTICE, that due to the observance of  
Independence Day on July 4, 1989, the next regularly scheduled  
meeting of the Riverhead Town Board has been changed from July 4,  
1989 to July 5, 1989 at 7:30 p.m. in the Riverhead Town Hall, 200  
Howell Avenue, Riverhead, New York.

BY ORDER OF THE RIVERHEAD TOWN BOARD  
Irene J. Pendzick, Town Clerk

Dated: June 20, 1989  
Riverhead, New York

The vote, Boschetti, yes, Pike, yes, Civiletti, yes,  
Lombardi, yes, Janoski, yes.  
The resolution was thereupon duly declared adopted.

# 425     APPROVES FIREWORKS DISPLAY FOR JAMESPORT FIRE DEPARTMENT

Councilperson Civiletti offered the following resolution, which was seconded by Councilperson Lombardi:

WHEREAS, the Jamesport Fire Department has requested permission to hold a fireworks display on July 22, 1989 (rain date July 23, 1989) at 10:00 p.m., to be held at the Jamesport Community Center, Jamesport, New York; and

WHEREAS, said request has been reviewed by this Town Board.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Riverhead hereby approved the request of Jamesport Fire Department to hold a fireworks display on July 22, 1989 (rain date July 23, 1989) at 10:00 p.m. to be held at the Jamesport Community Center, Jamesport, New York, subject to the filing of an application pursuant to Section 1894-a of the Penal Law and the filing of an certificate of insurance naming the Town of Riverhead as additional insured; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to the Jamesport Fire Department, the Town Attorney's Office and the Riverhead Police Department.

675

The vote, Boschetti, yes, Pike, yes, Civiletti, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

# 426 AUTHORIZES ATTENDANCE OF POLICE CHIEF GRATTAN AT ANNUAL TRAINING

Councilperson Lombardi offered the following resolution which was seconded by Councilperson Civiletti.

WHEREAS, Rochester, New York will be sponsoring the annual training conference of the New York State Association of Chiefs of Police on August 20 through August 24, 1989.

NOW, THEREFORE, BE IT RESOLVED, that Police Chief Grattan be and is hereby authorized to attend the annual training conference from August 20-24, 1989; and

BE IT FURTHER RESOLVED, that Police Chief Grattan receive advance monies in the amount \$675 for related expenses, said expenses to be fully receipted upon his return; and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Chief Grattan and the Office of Accounting.

The vote, Boschetti, yes, Pike, yes, Civiletti, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

AUTHORIZE TRANSFER OF FUNDS# 427

Councilperson Boschetti offered the following resolution which was seconded by Councilperson Pike.

RESOLVED, that the Supervisor be and hereby is authorized to transfer the following General Town Funds

FROM: 001.53620.420 Building Department, Office Supplies \$ 500.00  
TO: 001.53620.440 Building Department, Printing \$ 500.00

The vote, Boschetti, yes, Pike, yes, Civiletti, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

6/20/89

# 428 TRANSFER OF FUNDS

COUNCILMAN Boschetti, offered the following  
resolution which was seconded by COUNCILMAN Pike.

RESOLVED, that the Supervisor be, and hereby is,  
authorized to transfer the following funds:

	<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
Rec.	001.5.7620.402 (Buses)	001.5.7310.403 (Youth Programs - rentals)	\$690.00

The vote, Boschetti, yes, Pike, yes, Civiletti, yes,  
Lombardi, yes, Janoski, yes.  
The resolution was thereupon duly declared adopted.



# 429 AUTHORIZES ASSESSOR TO ATTEND SEMINAR

Councilman Pike offered the following resolution, which was seconded by Councilman Boschetti.

WHEREAS, a seminar for assessors is being held at Cornell University, Ithaca, New York, on July 23 through July 28, 1989.

WHEREAS, 1 member of the Riverhead Board of Assessors has expressed a desire to attend seminar.

NOW, THEREFORE, BE IT RESOLVED, that Leroy E. Barnes, Jr. be and is hereby authorized to attend said seminar, and

BE IT FURTHER RESOLVED, that his use of the Town vehicle is hereby authorized, and

BE IT FURTHER RESOLVED, that the amount of \$595.00 shall cover tuition and housing, and

BE IT FURTHER RESOLVED, that an advance of \$200.00 shall cover travel, meals, materials, and deposit, and

BE IT FURTHER RESOLVED, that all expenses shall be fully receipted upon his return, and

BE IT FURTHER RESOLVED, that tuition is subject to reimbursement to the Town of Riverhead upon completion of said seminar.

679

The vote, Boschetti, yes, Pike, yes, Civiletti, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

6/20/89

# 430

Appoints Lifeguard to Riverhead Recreation Department

Civiletti offered the following  
resolution which was seconded by Lombardi

RESOLVED, That the following be and are hereby  
appointed to serve as Lifeguards effective June 20, 1989  
to and including September 4, 1989, to be paid bi-weekly  
at the following hourly rate and to serve at the pleasure  
of the Town Board:

Joseph O'Rourke	\$6.00
Byron Grosselfinger	\$6.00

680

The vote, Boschetti, yes, Pike, yes, Civiletti, yes,  
Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

6/20/89

# 431 TRANSFER OF FUNDS

COUNCILMAN Lombardi, offered the following  
resolution which was seconded by COUNCILMAN Civiletti.

RESOLVED, that the Supervisor be, and hereby is, authorized  
to transfer the following funds:

	<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
Rec.	001.5.7180.200	001.5.7310.200	\$400.00
	(equipment)	(youth programs-equip)	

681

The vote, Boschetti, yes, Pike, yes, Civiletti, yes,  
Lombardi, yes, Janoski, yes.

The, resolution was thereupon duly declared adopted.

RESOLUTION 432APPOINTS SUMMER LABORER TO HIGHWAY DEPARTMENTADOPTED June 20, 1989

Councilman Boschetti offered the following resolution which was seconded by Councilman Pike.

BE IT RESOLVED, THAT MICHAEL CARVER BE AND ARE HEREBY APPOINTED TO THE POSITION OF SUMMER LABORER WITH THE HIGHWAY DEPARTMENT AT THE RATE OF COMPENSATION OF \$6.00 PER HOUR.

BE IT FURTHER RESOLVED, THAT THE EFFECTIVE DATE OF EMPLOYMENT FOR MICHAEL CARVER IS JULY 3, 1989; AND

BE IT FURTHER RESOLVED, THAT A COPY OF THIS RESOLUTION BE FORWARDED TO MICHAEL CARVER, CHARLES BLOSS AND THE OFFICE OF ACCOUNTING.

682

The vote, Boschetti, yes, Pike, yes, Civiletti, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

COB

# 433 ADOPTS AMENDMENT TO ZONING USE DISTRICT MAP FROM BUSINESS CR TO RESIDENCE A (WADING RIVER)

Councilperson Pike offered the following resolution, which was seconded by Councilperson Boschetti.

WHEREAS, the Town Board of the Town of Riverhead caused to be prepared a Wading River Hamlet Study, and

WHEREAS, in December, 1988, the Wading River Hamlet Study was submitted to the Town Board by Buckhurst, Fish, Hutton, Katz, Inc., and

WHEREAS, the Town Board wishes to implement the recommendations of the Wading River Hamlet Study to the Business CR Zoning Use District; and

WHEREAS, the Riverhead Town Board referred the Wading River Hamlet Study to the Riverhead Planning Board for its review and recommendations, and

WHEREAS, the Riverhead Planning Board resolved to endorse the Wading River Hamlet Study as an amendment to the Town of Riverhead Master Plan and forwarded specific recommendations to the Riverhead Town Board, and

WHEREAS, the Riverhead Town Board, according to the requirements of the Suffolk County Charter, did refer the Wading River Hamlet Study amending the ordinances and map to the Suffolk County Planning Commission, which approved said study and amendments to the ordinances, and

WHEREAS, the Town Clerk was authorized to publish and post a public notice scheduling a public hearing to hear all interested persons regarding amendments to the Town of Riverhead Zoning Use District Map, and

WHEREAS, on February 9, 1989, a public notice scheduling a public hearing to hear all interested parties with regard to the proposed amendments to the Riverhead Town Code and the Zoning Use District Map was resolved, and

WHEREAS, on February 16, 1989, another public notice scheduling a public hearing to hear all interested parties with regard to the proposed amendments to the Riverhead Town Code and Zoning Use District Map was resolved, and

WHEREAS, on March 1, 1989, a public hearing was held at 7 o'clock p.m. at the Wading River Elementary School, Wading River, New York; those being the date, time, and place specified in said public hearing notices, and all persons wishing to be heard were heard, and

WHEREAS, based upon the Town Board's review of the Environmental Assessment Form and the proceedings had herein, the Town Board issued a Negative Declaration regarding the amendments to the Riverhead Town Code and Zoning Use District Map, and that this amendment will not have a significant impact upon the environment pursuant to the State Environmental Quality Review Act;

NOW, THEREFORE, BE IT

RESOLVED, that the amendment to the Town of Riverhead Zoning Use District Map be and is hereby adopted as attached hereto, which map in particular changes that area presently zoned Business CR to Residence A, and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to post the map amendment authorized hereto on the signboard at Town Hall, and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to the Suffolk County Planning Commission, Suffolk County Pine Barrens Review Commission, the Riverhead Planning Board, all adjoining Towns, the Riverhead Planning Department, Building Department, and the Office of the Town Attorney.

684

The vote, Boschetti, yes, Pike, yes, Civiletti, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

6/20/89

703

589

AFFECTED PARCELS  
BUSINESS C.R. TO  
RESIDENCE A



#434 ADOPTS AMENDMENT TO SECTION 103-13.1 OF THE RIVERHEAD  
TOWN CODE

Councilperson Civiletti offered the following resolution, which was seconded by Councilperson Lombardi:

WHEREAS, the Town Clerk was authorized to publish and post a public notice to hear all interested persons regarding an amendment to Section 103-13.1 of the Riverhead Town Code; and

WHEREAS, a public hearing was held on the 6th day of June, 1989, at 8:05 o'clock p.m., at Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said public notice, and all persons wishing to be heard were heard; and

WHEREAS, based upon the Town Board's review of the Environmental Assessment Form and the proceedings had herein, the Town Board has issued its negative declaration regarding the amendment to the Riverhead Town Code and that this amendment will not have a significant impact upon the environment pursuant to the State Environmental Quality Review Act.

NOW, THEREFORE, BE IT

RESOLVED, that an amendment to Section 103-13.1 of the Riverhead Town Code be and is hereby adopted as follows:

C. The residents of the Town of Riverhead shall be permitted to deposit leaves in the landfill during the months of April, May, October and November only. Noncommercial and residential leaf collection shall be exempt from the requirements of Sections 103-11 and 103.12.

and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to publish a copy of this resolution once in the Riverhead News-Review and to post same on the signboard at Town Hall; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Riverhead Landfill and the Town Attorney's Office.

Dated: Riverhead, New York  
 June 20, 1989.

BY ORDER OF THE TOWN BOARD  
 OF THE TOWN OF RIVERHEAD

IRENE J. PENDZICK, Town Clerk

\*overstrike represents deletion(s)  
 \*\*underscore represents addition(s)

The vote, Boschetti, yes, Pike, yes, Civiletti, yes,  
 Lombardi, yes, Janoski, yes.



#435 ADOPTS AMENDMENT TO SECTION 108-67.1 OF THE RIVERHEAD TOWN CODE 705

Councilperson Lombardi offered the following resolution, which was seconded by Councilperson Civiletti :

WHEREAS, the Town Clerk was authorized to publish and post a public notice to hear all interested persons regarding an amendment to Section 108-67.1 of the Riverhead Town Code; and

WHEREAS, a public hearing was held on the 6th day of June, 1989, at 7:45 o'clock p.m., at Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said public notice, and all persons wishing to be heard were heard; and

WHEREAS, based upon the Town Board's review of the Environmental Assessment Form and the proceedings had herein, the Town Board has issued its negative declaration regarding the amendment to the Riverhead Town Code and that this amendment will not have a significant impact upon the environment pursuant to the State Environmental Quality Review Act.

NOW, THEREFORE, BE IT

RESOLVED, that an amendment to Section 108-67.1 of the Riverhead Town Code be and is hereby adopted as follows:

Whenever two (2) or more parcels of property which are nonconforming, and which abut at a common course and distance, shall be held in the same ownership, such parcels shall be termed "merged" to form one (1) whole lot, in conformance with the lot requirements of the zoning use district in which the parcel is located.

and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to publish a copy of this resolution once in the Riverhead News-Review and to post same on the signboard at Town Hall; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Riverhead Landfill and the Town Attorney's Office.

Dated: Riverhead, New York  
June 20, 1989.

The vote, Boschetti, yes, Pike, yes, Civiletti, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

# 436 APPROVES REQUEST OF SUFFOLK COUNTY GIRL SCOUT COUNCIL, INC.

Councilperson Boschetti offered the following resolution, which was seconded by Councilperson Pike:

WHEREAS, the Suffolk County Girl Scout Council, Inc., by Pat Guippone, did request to use the Wading River Beach for an overnight stay for their Brownie Troop to be held on June 17, 1989; and

WHEREAS, the Town Clerk is in receipt of a certificate of insurance naming the Town of Riverhead as additional insured.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Riverhead hereby approves the request of the Suffolk County Girl Scout Council, Inc., to use the Wading River Beach for an overnight stay for their Brownie Troop to be held on June 17, 1989; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to the Suffolk County Girl Scout Council, Inc., the Riverhead Police Department, the Town Attorney's Office and the Riverhead Recreation Department.

688

The vote, Boschetti, yes, Pike, yes, Civiletti, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

# 437 AUTHORIZES TOWN CLERK TO PUBLISH & POST PUBLIC NOTICE TO  
CONSIDER THE ADDITION OF A CHAPTER TO THE RIVERHEAD TOWN  
CODE ENTITLED "COASTAL ZONE MANAGEMENT"

Councilperson Pike offered the following resolution, which was seconded by Councilperson Boschetti:

RESOLVED, that the Town Clerk be and is hereby authorized to publish and post the following public notice to consider the addition of a chapter to the Riverhead Town Code entitled "Coastal Zone Management":

TOWN OF RIVERHEAD  
PUBLIC NOTICE

PLEASE TAKE NOTICE, that a public hearing will be held on the 5th day of July, 1989, at 7:55 o'clock p.m. at Town Hall, 200 Howell Avenue, Riverhead, New York, to hear all interested persons with regard to the addition of a chapter to the Riverhead Town Code entitled "Coastal Zone Management", the purpose of which is to promote the public health, safety and general welfare and to minimize public and private losses due to flood and/or erosion conditions in specified areas. A copy of the proposed chapter may be obtained from the Town Clerk's Office during normal business hours from Monday through Friday from 8:30 a.m. to 4:30 p.m.

Dated: Riverhead, New York  
June 20, 1989.

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF RIVERHEAD

IRENE J. PENDZICK, Town Clerk

689

The vote, Boschetti, yes, Pike, yes, Civiletti, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

## SECTION - 1 Findings

The Town Board of the Town of Riverhead, New York, has determined that development along the coastal areas of the Town may result in the destruction or damage to housing, destruction or damage to public or private facilities, injury to and/or loss of human life, destruction or damage of significant ecological, geological, or hydrological areas. In order to mitigate the potentials for such damages and to achieve the purposes and objectives hereinafter set forth, this Chapter is adopted.

## SECTION - 2 Purpose

(a) The purpose of this Chapter is to promote the public health, safety, and general welfare and to minimize public and private losses due to flood and/or erosion conditions in specified areas. The procedural requirements for this program will be established and outlined.

690

(b) Land use, development, and other activities are regulated in coastal areas subject to serious erosion to minimize or prevent damage or destruction to man-made property, natural protective features, other natural resources, and to protect human life.

(c) New construction or placement of structures is regulated to place them a safe distance from areas of active erosion to ensure that these structures are not prematurely destroyed or damaged due to improper siting.

(d) Public investment in services, facilities, or activities which are likely to encourage new permanent development in erosion hazard areas is restricted.

(e) Publicly financed erosion protection structures to minimize erosion damage are to be used only where necessary to protect human life or where the public benefits of such structures clearly outweigh the public expenditures.

(f) The construction of erosion protection structures is regulated in coastal areas subject to serious erosion to assure that, when the construction of erosion protection structures is justified, their construction and operation will minimize or prevent damage or destruction to man-made property, private and public property, natural protective features, and other natural resources.

(g) New construction will be regulated in order to qualify for and maintain participation in the National Flood Insurance Program.

### SECTION - 3 Definitions

The following words, terms, or phrases have the meaning indicated so as to give this Chapter its most reasonable application. The extent of the bluff area, erosion hazard area, flood hazard area, and the Coastal Management Zone are indicated on Coastal Management Zone Maps which have been adopted by the Town of Riverhead.

(a) "Accessory Structures" means a minor or appurtenant structure attached to or placed near a principal structure. Such structures will not change the land use or density.

(b) "Beach" means the zone of unconsolidated sand, gravel, cobble, or similar material that extends landward, from the mean low water line, to the place where there is a marked change in material or physiographic form, or to the line of permanent vegetation, or to the seaward toe of a dune, whichever is most seaward.

(c) "Bluff" means any seaward sloping bank or cliff with a slope of 20 percent or more. The seaward limit of a bluff is the landward limit of its contiguous beach. Where no beach is present, the seaward limit is mean low water. The landward limit of the bluff will be the point at which the slope of the land mass becomes less than 20 percent. Where there is a further seaward sloping land mass within 50 feet of the limit mentioned above, this will be considered a continuation of the bluff if the slope is 20 percent or greater.

(d) "Coastal Management Zone" refers to land bounded by a line 100 feet landward of the Erosion Buffer Zone and 200 feet landward of the Erosion Hazard Area as delineated by the New York State Department of Environmental Conservation. Where appropriate, the Coastal Management Zone has been extended landward to include seaward sloping ravines or depressions which have slopes of 20 percent or greater.

(e) "Coastal Management Zone Map" refers to the final map prepared for the Town delineating the coastal management zone and erosion/flood hazard areas.

692 (f) "Debris Line" means a linear accumulation of waterborne debris deposited by high waters on a beach.

(g) "Dune" means a ridge or hill of loose, windblown, or artificially placed material whose principal component is sand.

(h) "Erosion" means the loss or displacement of land along the coastline due to the action of waves, currents, tides, wind-driven water, waterborne ice, or other impacts of storms. It also means the loss or displacement of land due to the action of wind, runoff of surface waters, or groundwater seepage.

(i) "Erosion Area Permit" means the written approval required by this Chapter for the undertaking of any regulated activity within the coastal management zone as shown on the coastal management zone maps.

(j) "Erosion Buffer Zone" includes land bounded by a line 100 feet landward of the Erosion Hazard Area as delineated by the New York State Department of Conservation.

(k) "Erosion Hazard Area" means an area of the coastline which is:

- (1) A structural hazard area, or
- (2) A natural protective feature area.

(l) "Erosion Protective Measure" or "Erosion Protective Structure" means an action specifically designed to reduce or prevent erosion such as a groin, jetty, seawall, revetment, bulkhead, breakwater, or artificial beach nourishment project.

(m) "Existing Structure" means a structure in existence, or one whose construction had commenced prior to the adoption of this enactment.

691 (n) "Flood Hazard Area" or "Flood Hazard Zone" refers to that coastal area subject to high-velocity waters, including, but not limited to, hurricane wave wash. This area is determined from the National Flood Insurance Program Maps.

(o) "Major Addition" means an addition which results in a 25 percent or greater increase in the ground area coverage of a structure. The increase will be calculated as the ground area coverage to be added, including any additions previously constructed under an erosion area permit, divided by the ground area coverage of "existing structures" as defined in subdivision (m) above.

(p) "Mean Low Water" means the approximate average low water level for a given body of water at a given location, determined by reference to U.S. Coast and Geodetic Survey (mean sea level) datum.

(q) "Modification" means a change in size, design, or function.

(r) "Movable Structure" means a structure designed and constructed to be readily relocated with minimum disruption or intended use. Mobile homes and structures built on skids and not having a permanent foundation are examples of movable structures.

(s) "Natural Protective Feature" means a nearshore area, beach, bluff, primary dune, secondary dune, or wetland, and the vegetation thereon.

(t) "Natural Protective Feature Area" means a land and/or water area containing natural protective features, the alteration of which might reduce or destroy the protection afforded other lands against erosion or high water. All natural protective feature areas are delineated as such on coastal erosion hazard area maps.

586 (u) "Nearshore Area" means those lands under water beginning at the mean low water line and extending in a direction perpendicular to the shoreline to a point where mean low water depth is 15 feet, or to a horizontal distance of 1000 feet from the mean water line, whichever is greater.

(v) "Normal Maintenance" means periodic replacement or repair of same-kind structural elements or protective coatings which do not change the size, design, or function of the original structure.



(w) "Permit" means an Erosion Hazard Area, Flood Hazard Zone, and Erosion Buffer Zone permit.

(x) "Person" means any individual, public or private corporation, political subdivision, government agency, public improvement district, partnership, association, firm, trust, estate, or any other legal entity whatsoever.

(y) "Primary Dune" means the most seaward major dune where there are two or more parallel dune lines within a coastal area. Where there is only one dune present, it is the primary dune. Occasionally, one or more relatively small dune forms exist seaward of the primary dune. For the purposes of this Part, such forms will be considered to be part of the primary dune. The seaward limit of a primary dune is the landward limit of its fronting beach. The landward limit of a primary dune is 25 feet landward of its landward toe.

(z) "Receding Edge" means the most landward line of active erosion, or in cases where there is no discernible line of active erosion, it is the most seaward line of permanent vegetation.

(aa) "Recession Edge" means the rate, expressed in feet per year, at which an eroding shoreline moves landward.

(bb) "Regulated Activity" means the construction or placement of a structure, or any action or use of land which materially alters the condition of land, including grading, excavating, dumping, mining, dredging, filling, or other disturbance of soil. Regulated activity does not include routine agricultural operations involving cultivation and harvesting, and the implementation of practices recommended in a soil and water conservation plan as defined in Section 3 (12) of the Soil and Water Conservation Districts Law provided; however, that agricultural

operations and implementation of practices will not be construed to include any activity that involves the construction or placement of a structure.

(cc) "Restoration" means the reconstruction of a structure, the cost of which equals or exceeds 50 percent of the estimated full replacement cost of the structure.

(dd) "Secondary Dune" means the major dune immediately landward of the primary dune. The seaward limit of a secondary dune is the landward limit of its fronting primary dune. The landward limit of a secondary dune is 25 feet landward of its landward toe.

(ee) "Significant Fish and Wildlife Habitat" means those designated habitats which:

- (1) Are essential to the survival of a large portion of a particular fish or wildlife population, or
- (2) Support rare or endangered species, or
- (3) Are found at a very low frequency within a geographic area, or
- (4) Support fish or wildlife populations having significant commercial or recreational value, or
- (5) Would be difficult or impossible to replace.

(ff) "Structure" means any object constructed, installed, or placed in, on, or under land or water; including, but not limited to, a building; permanent shed; garage; mobile home; public service distribution, transmission, or collection system; tank; pier; dock; wharf; groin; jetty; seawall; revetment; bulkhead; or breakwater; or any addition to or alteration of the same.

(gg) "Structural Hazard Area" means those shorelands, other than natural protective features, subject to erosion and located landward of shorelines having an average annual recession rate of one (1) foot or more per year. The inland boundary of a structural hazard area is calculated by starting at the landward limit of a bluff and measuring along a line which is perpendicular to the shoreline a horizontal distance which is 40 times the long-term average annual recession rate.

(hh) "Toe" means the lowest point on a slope of a dune or bluff.

(ii) "Town" refers to the local government of the Town of Riverhead.

#### SECTION - 4 Functions of Natural Protective Features

(a) Natural features such as beaches, bluffs, dunes, and nearshore areas, and the vegetation thereon, protect coastal areas and human lives from wind and water erosion and storm-induced high water. Inappropriate activities of man may diminish or eliminate entirely the erosion buffering function of natural protective features.

(b) The specific functions and protective values of different types of natural protective features may vary. Certain types of natural protective features are intrinsically better suited for certain types of uses, activities, or development than others. The standards and development restrictions of this Part that apply to regulated activities within specific types of natural protective features are based on:

(1) The protective functions that specific types of natural protective features provide, and

(2) The interaction between specific types of natural protective features and physical coastal processes.

(c) Described below are the erosion protection functions of various types of natural protective features and their relationship to physical coastal processes. These descriptions are to be used to guide the review of applications as required in Section 4 of this Part and in the review of variance requests as required in Section 13 of this Part.

(1) Beaches buffer shorelands from erosion by absorbing wave energy that otherwise would be expended on the toes of bluffs or dunes. Beaches that are high and wide protect shorelands from erosion more effectively than beaches that are low or narrow. Beaches also act as a reservoir of sand or other unconsolidated material for longshore littoral transport and offshore sandbar and shoal formation.

(2) Bluffs protect shorelands and coastal development by absorbing the often destructive energy of open water. Bluffs are of greatest protective value during times of storm-induced high water. Bluffs are a source of depositional material for beaches and other unconsolidated natural protective features.

(3) Dunes, along with bluffs and beaches, buffer shorelands from the energy of open water. Like bluffs, dunes are of greatest protective value during conditions of storm-induced high water. Because dunes often protect some of the most biologically productive as well as developed coastal areas, their value as protective features is especially great. The two primary functions of dunes are prevention of wave overtopping and storage of sand for coastal processes. High, vegetated dunes provide a greater degree of protection than low, unvegetated ones. The keys to maintaining a stable dune system are the establishment and maintenance of beachgrass or other vegetation on the dunes and assurance of a supply of nourishment sand to the dunes.

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(4) Nearshore areas dissipate a substantial amount of

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wave energy before it is expended on beaches, bluffs, or dunes by causing waves to collapse or break. Nearshore areas also function as reservoirs of sand, gravel, and other unconsolidated material that is returned to beaches. Sandbars, which are located in nearshore areas, control the orientation of incoming waves and promote the development of ice cap formations which help to protect shorelines during winter storms. The roots of aquatic vegetation in nearshore areas bind fine grained silts, clays, and organic matter to form a fairly cohesive bottom that resists erosion. Such vegetation also assists in trapping sediments.

#### SECTION - 5 Restrictions on Regulated Activities Within Erosion Hazard Areas

(a) The construction or placement of any structure, or major addition to an existing structure, is prohibited within the erosion hazard areas. Exception to this will be approved stairway and walkway accesses to beach areas.

(b) Any structure which has been built or placed within the Erosion Hazard Area, as delineated by the New York State Department of Environmental Conservation, prior to April 2, 1983, and which is indicated on either the Coastal Management Maps adopted by the Town or on the Coastal Erosion Hazard Area Maps (Town of Riverhead) prepared by the New York State Department of Environmental Conservation will not be regulated by this Chapter of the Town Code unless such structures are to be modified, enlarged, or removed. The owner(s) of any structure(s) built or placed within the Erosion Hazard Area after April 2, 1983, and which are not indicated on the Coastal Management Maps adopted by the

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Town or on the Coastal Erosion Hazard Area Maps (Town of Riverhead) prepared by the New York State Department of Environmental Conservation, and who have not procured a Building Permit for such structure; must apply to the Town for proper permits for such a structure. If such a structure within the Erosion Hazard Area does not comply with the requirements of the Town's Building Code, said structure must be modified to comply with the Town's Building Code. If such structures are not brought into compliance with the Town's Building Code, or corrective recommendations are not undertaken, such structures may be ordered removed at the discretion of the Town Board. If such structures within the Erosion Hazard Area are subsequently identified and application for appropriate permits has not been filed within a reasonable period of time, the Town Board may order the removal of such structure.

(c) An erosion area permit is required for the installation of public service distribution, transmission, or collection systems for gas, electricity, water, or wastewater. Systems installed to serve coastline development along mainland shorelines must be located landward of the shoreline structures being served.

(d) Any grading, excavating, or other soil disturbance conducted within an erosion hazard area must not direct surface water runoff over the receding edge.

#### LOCAL REGULATION OF COASTAL AREAS

#### SECTION - 6 Erosion Buffer Zone, Coastal Management Zone, and Flood Hazard Zone Permits

(a) Any person or state agency proposing to undertake a regulated activity within a designated Erosion Buffer Zone, Coastal

Management Zone, or Flood Hazard Zone must first obtain a permit from the Riverhead Planning Board.

(b) Permit applications are available from the Office of the Town Clerk. Applications must be made on the form prescribed by the Town and must include the following information:

(1) A description of the proposed activity, and

(2) A map drawn to a scale no greater than 1":100', with a minimum contour interval of 5', showing the location of the proposed activity, and

(3) Additional information the Town may require to properly evaluate the proposed activity. Permit applications are not complete until the appropriate fee, as specified in Section 14 of this Part, is submitted. Completed permit applications will be submitted to the Chairperson of the Conservation Advisory Council for review and recommendation to the Riverhead Planning Board.

(4) All regulated activities are subject to the review procedures required by the State Environmental Quality Review Act (SEQR), Article 8 of the Environmental Conservation Law. The applicant may be required to submit information necessary for compliance with SEQR in addition to information required under this Part.

(c) A permit may be issued with such terms and conditions as are necessary to ensure compliance with the policies and provisions of the Act and of this Part.

(d) A permit issued pursuant to this Part does not relieve such permit applicant from the responsibility of obtaining other permits

6/20/89 or approvals as may be necessary, nor does it convey any rights or interest in real property under the jurisdiction of the State of New York.

(e) Any construction within the Erosion Hazard Area, Flood Hazard Zone, or Erosion Buffer Zone is done by the applicant at their own risk. The applicant, his successors or assigns shall hold the Town of Riverhead harmless and relieve the Town of Riverhead of any liability of damages which may be incurred to the property or structures due to the natural coastal process or events.

SECTION - 7 Standards for Issuance of Erosion Buffer Zone Permits

(a) A permit will be issued only if the Town finds that the proposed regulated activity:

(1) Is reasonable and necessary, considering reasonable alternatives to the proposed activity and the extent to which the proposed activity requires a shoreline location, and

(2) Will not be likely to cause a measurable increase in erosion at the proposed site or at any other locations, and

594 (3) Prevents, if possible, or minimizes adverse effects on natural protective features and their protective value functions as described in Section 4 of this Part, existing erosion protection structures, or natural resources; including, but not limited to, significant fish and wildlife habitats and shellfish beds.

(b) Appurtenances which will not require any excavation are to be set back a minimum of 25 feet from the Erosion Hazard Area. The vertical load of such appurtenances will be carried by pilings or supports which result in minimum damage to the stability of the ground.



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(c) Construction which requires ground excavation, construction which requires the presence or movement of heavy equipment, or construction of a primary residence must be set back a minimum of 50 feet from the Erosion Hazard Area.

SECTION - 8 Restrictions on Regulated Activities Within  
Natural Protective Feature Areas

(a) Nearshore areas; the following restrictions and requirements apply to regulated activities in nearshore areas:

(1) Excavating, mining, or dredging; which diminishes the erosion protection afforded by nearshore areas, is prohibited. However, permits for dredging may be issued for constructing or maintaining navigable depth of water, and bypassing sand around natural and man-made obstructions, or artificial beach nourishment.

(2) Clean sand or gravel is the only material which may be deposited within nearshore areas. Any deposition will require a permit.

(3) A permit is required for new construction, modification, or restoration of docks, piers, wharves, groins, jetties, seawalls, bulkheads, breakwaters, revetments, and artificial beach nourishment.

(b) Beaches; the following restrictions and requirements apply to regulated activities on beaches:

(1) Excavating or mining, which diminishes the erosion protection afforded by beaches, is prohibited.

(2) The following restrictions apply to the use of motor vehicles on beaches:

(i) Motor vehicles must operate seaward of the upper debris lines at all times. On those beaches where no debris line exists, motor vehicles must operate seaward of the toe of the primary dune or the bluff; and

(ii) Motor vehicles must not travel on vegetation.

(3) A permit for deposition of material on beaches will be issued only for expansion or stabilization of beaches; clean sand or gravel must be used.

(4) Minor beach grooming or clean-up operations do not require a permit.

(5) A permit is required for new construction, modification, or restoration of docks, piers, wharves, boardwalks, groins, jetties, seawalls, bulkheads, breakwaters, revetments, and artificial beach nourishment projects.

(6) Docks, piers, wharves, or other structures built on floats which are removed in the fall of each year also require a one-time permit application.

(7) Active shore bird nesting and breeding areas must not be disturbed unless such disturbance is pursuant to a specific wildlife management activity approved in writing by the New York State Department of Environmental Conservation.

(c) Bluffs; the following restrictions and requirements apply to regulated activities on bluffs.

(1) Excavating or mining of bluffs is prohibited except where the minor alteration of a bluff is done in accordance with conditions stated in a permit issued for the construction of an erosion or flood protection structure.

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(2) Vehicular traffic is prohibited on bluffs.

(3) A permit is required for new construction, modification, or restoration of erosion protection structures, walkways, or stairways.

(4) Active bird nesting and breeding areas must not be disturbed unless such disturbance is pursuant to a specific wildlife management activity approved in writing by the New York State Department of Environmental Conservation.

(5) Any grading, excavating, or other soil disturbance conducted on a bluff must not direct surface water runoff over the receding edge.

(d) Dunes; the following restrictions and requirements apply to regulated activities on all dunes within the erosion/flood hazard area:

(1) Excavating or mining of primary dunes is prohibited.

(2) Vehicular traffic is prohibited on any dunes, except in those areas designated by regulating agencies.

(3) Foot traffic which causes sufficient damage to any dunes to diminish the erosion protection afforded by them is prohibited. Pedestrian passage across dunes must utilize elevated walkways and stairways, or other specially designed dune crossing structures approved by the Town.

(4) There shall be no disturbance to the dune, except as otherwise provided in this Chapter.

(5) A permit is required for new construction, modification, or restoration of stone revetments or other permeable erosion protection structures compatible with dunes placed at the seaward toe of the dunes, and for elevated walkways, or stairways.

(6) Clean sand obtained from excavation, dredging, or beach grading may be deposited on a primary dune, or on an area formerly a dune, to increase its size or restore it. Such deposition must be vegetatively stabilized using native species tolerant to salt spray and sand burial; e.g., American beach grass. Such deposition requires a permit.

(7) There shall be no deposition in vegetated areas unless vegetation is removed and replanted.

(8) Vegetative planting and sand fencing, to stabilize or entrap sand in order to maintain or increase the height and width of dunes, does not require a permit, but vegetative plantings must be of native species tolerant to salt spray and burial; e.g., American beach grass.

(9) Active shore bird nesting and breeding areas must not be disturbed unless such disturbance is pursuant to a specific wildlife management activity approved in writing by the New York State Department of Environmental Conservation.

## <sup>8</sup> SECTION - 9 Erosion/Flood Protection Structures

Construction of erosion or flood protection structures is expensive, often only partially effective over time, and may even be harmful to adjacent or nearby properties. In some areas of the coastline, major erosion or flood protection structures of great length would be required to effectively reduce future damages due to erosion or flooding. However, in those instances where properly designed and constructed structures will be likely to minimize or prevent damage or destruction to man-made property, private and public property, natural protective features, and other natural resources, construction of erosion and/or

flood protection structures may be allowed. In such cases, the construction, modification, or restoration of such structures is subject to the following requirements:

(a) A permit is required for construction, modification, or restoration of erosion/flood protection structures including the modification or restoration of erosion/flood protection structures that were constructed without a permit.

(b) All erosion/flood protection structures must be designed and constructed according to generally accepted engineering principles, which have demonstrated success, or where sufficient data is not currently available, a likelihood of success in controlling long-term erosion or flooding. The protective measures must have a reasonable probability of controlling erosion on the immediate site for at least 30 years and have approval of the Riverhead Building Department.

(c) A long-term maintenance program must be included with every permit application for construction, modification, or restoration of an erosion/flood protection structure. That program must include specifications for normal maintenance of degradable materials and the periodic replacement of removable materials.

(d) All materials used in such structures must be durable and capable of withstanding inundation, wave impacts, weathering, and other effects of storm conditions. Individual component materials may have a working life of less than 30 years only when a maintenance program ensures that they will be regularly maintained and replaced as necessary to attain the required 30 years of erosion protection.

(e) The construction, modification, or restoration of erosion/flood protection structures must:

(1) Not be likely to cause any measurable increase in erosion at the development site or other locations; and

(2) Minimize, and, if possible, prevent adverse effects to natural protective features, existing erosion protection structures, and natural resources such as significant fish and wildlife habitats.

#### SECTION - 10 Appeal of Erosion/Flood Hazard Area Designation

(a) Any person who owns real property within a designated erosion/flood hazard area may appeal that designation.

(b) Erosion/flood hazard area designation appeals may be made after the coastal management zone map(s) including the subject lands has been filed with the Town Clerk.

(c) Any person wishing to make an appeal pursuant to this Section must complete an Erosion/Flood Hazard Area Designation Appeal application and submit it to the Town Board. Appeal applications are available at the Office of the Town Clerk at Riverhead Town Hall. Appeal applications are not complete until the applicant provides all necessary information and the appropriate fee specified in Section 14 (Fees).

(d) The Town Board will reply to the appeal within 45 working days after receipt of a complete appeal application, and, if necessary, will adjust the erosion/flood hazard area boundaries accordingly.

(e) The sole acceptable basis for an erosion/flood hazard area designation appeal is technical information indicating that:

(1) The subject area was erroneously identified as a natural protective feature area.

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(2) The subject area does not meet the definition of a bluff or bluff area.

(3) The subject area should not be included in the 100-year flood zone.

#### SECTION - 11 Emergency Activities

(a) The permit requirements of Section 6 of this Part do not apply to emergency activities that are necessary to protect public health, safety, or welfare including preventing damage to natural resources. Whenever emergency activities are undertaken, damage to natural protective features and other natural resources must be prevented, if possible; or minimized. Within two working days after the commencement of emergency measures, the person responsible for taking those measures must:

(1) Notify the Conservation Advisory Council and describe the emergency and the public health or safety or resources whose protection was sought, and

(2) Prepare documentation; i.e., photographs, to substantiate the necessity for emergency activities.

(3) Describe the measures which were taken to secure such protection.

(b) After completion of the emergency measures, the Town may require such information in writing.

(c) If the Town Board determines that a regulated activity undertaken without a permit does not meet the emergency activity criteria of this Section, the Town Attorney is authorized to order the immediate cessation of such activity. In addition, the Town Board may require:

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(1) Removal of any structure that was constructed or placed without a permit, and

(2) The return to former conditions of any natural protective features that were excavated, mined, or otherwise disturbed without a permit.

#### SECTION - 12 Bond

The Town may require a bond or other form of financial security if it determines that a person submitting an application for a permit has a record of non-compliance with the terms or conditions of permits issued by the Town. Such bond or security must be in an amount, with such surety and conditions as are satisfactory to the Town so as to ensure compliance with the terms and conditions stated in the permit.

#### SECTION - 13 Variances

(a) When an applicant can demonstrate that the strict application of the restrictions or requirements of Sections 5, 6, 7, and 8 of <sup>67</sup>this Part will cause practical difficulty or unnecessary hardship, any such restriction or requirement may be varied or modified, provided that the following criteria are met:

(1) No reasonable, prudent, alternative site is available;  
and

(2) All responsible means and measures to mitigate adverse impacts on natural systems and the functions and protective values described in Section 4 of this Part have been incorporated into the project design and will be implemented at the developer's expense; and



(3) The development will be reasonably safe from flood and erosion damage; and

(4) The variance requested is the minimum necessary to overcome the practical difficulty or hardship which was the basis for requesting it; and

(5) Where public funds are utilized, the public benefits clearly outweigh the long-term adverse effects for any proposed activities and development.

(b) Any person wishing to make a request for a variance must do so in writing to the Zoning Board of Appeals. The variance request must specify the standard, restriction, or requirement to be varied and how the requested variance meets the criteria established in subdivision (a) of this Section. The burden of demonstrating that the requested variance meets these criteria rests entirely with the applicant. The Zoning Board of Appeals shall reply to the variance request within 45 working days.

#### SECTION - 14 Fees

(a) Applications for erosion/flood area permits and erosion/flood hazard area designation appeals must be accompanied by a money order or personal check made payable to the Town of Riverhead in the amount specified in Subdivision (c) of this Section.

(b) If an application is withdrawn before it is determined complete, the fee will be returned to the applicant upon request.

(c) Fees for review of applications.

(1) Appeal of erosion/flood hazard area designation, \$50.

(2) Construction or placement of structures other than erosion protection structures, docks, piers, and wharves, \$40.

(3) Excavation, grading, mining, or filling:

- (i) Projects not exceeding 100 cubic yards, \$25.
- (ii) Projects greater than 100 cubic yards, \$50.
- (iii) Projects greater than 1000 cubic yards, \$100.

(4) Dredging:

- (i) Projects not exceeding 100 cubic yards, \$25.
- (ii) Projects greater than 100 cubic yards, \$50.
- (iii) Projects greater than 1000 cubic yards, \$100.

(5) Construction or modification of docks, piers, or

wharves:

- (i) Fixed docks, \$35.
- (ii) Solid fill docks, \$50.
- (iii) Floating docks on piles or fixed dock, ramp, and float combination, \$25.

(6) Construction or modification of erosion protection

structures:

- (i) Structures not exceeding 100 linear feet, \$50.
- (ii) Structures greater than 100 linear feet, \$100.

(7) All projects or activities not listed in paragraphs (1) through (6) of this Section, \$50.

(d) When an owner of real property appeals the designation of that real property as an erosion/flood hazard area pursuant to Section 10 of this Part and such appeal results in an amendment to a coastal management zone, the erosion/flood hazard area designation appeals fee will be refunded without interest.

## SECTION - 15 Notice of Violation; Penalties for Offenses

(a) Any person, firm, corporation, or entity found violating any provision of this Section or conditions imposed by the Town Board upon an approved permit shall be served with a written notice at the direction of the Town Board stating the nature of the violation and providing a specified time within which the violation shall cease and satisfactory corrective action taken by the violator.

(b) Any person, firm, corporation, or entity violating this Section shall be guilty of an offense and shall, upon conviction thereof, be punishable by fine or imprisonment, or both. Fines may be up to one thousand dollars (\$1,000.00) and imprisonment may be for thirty (30) days or less.

(c) Any person, firm, corporation, or entity who shall continue such violation beyond the time limit specified by the Town Board shall be guilty of another offense and shall, upon conviction thereof, be fined in an amount not to exceed one thousand dollars (\$1,000.00) for each offense or imprisoned thirty (30) days, or both.

(d) Each day of such violation shall constitute a separate offense under this Section.

(e) In the event that any person, firm, corporation, or entity shall continue any violation beyond the time limit specified by the Town Board, the Town Board shall direct the Town Attorney to apply to the Supreme Court for an order directing that the violation be corrected or removed and that all costs and expenses incurred by the Town of Riverhead in connection with proceedings, including the actual costs of correction or removal, shall be assessed against the offender.

(f) Any person, firm, corporation, or entity violating the provisions of this Section shall become liable to the Town for any expense or loss or damage occasioned the Town by reason of such violation.

(g) In addition to any penalties, fines, forfeitures, or injunctions that may be imposed pursuant to this Section, an applicant who files an application for a permit, after a violation of this Section has occurred, shall pay an application fee of one hundred dollars (\$100.00) in lieu of the appropriate application fee provided for in Section 14.

#### SECTION - 16 Severability

The provisions of this Section are severable. If any clause, sentence, paragraph, subdivision, or part is adjudged invalid by a court of competent jurisdiction, the effect of such order or judgment is confined to the controversy to which it was rendered. Such order or judgment does not affect or invalidate any other provisions of this Part or their application to other persons and circumstances.

# 438 APPROVES SPECIAL PERMIT APPLICATION OF LITTLE FLOWER CHILDREN'S SERVICES

Councilperson Civiletti offered the following resolution, which was seconded by Councilperson Lombardi:

WHEREAS, by application dated January 23, 1989, Little Flower Children's Services did apply to this Town Board for a special permit to expand a non-conforming, pre-existing use at premises located at North Wading River Road, Wading River, New York, known and designated as Suffolk County Tax Map #0600-36-1-2, said application made pursuant to Section 108-69 of the Code of the Town of Riverhead; and

WHEREAS, this matter was referred to the Planning Board for its review and recommendation; and

WHEREAS, by letter dated May 11, 1989, the Planning Board recommended that the special permit of Little Flower Children's Services be approved; and

WHEREAS, on the 6th of June, 1989, this Town Board held a public hearing wherein all persons wishing to be heard were heard; and

WHEREAS, the Environmental Quality Review Board has determined that the action is a(n) Unlisted action without significant impact upon the environment; and

WHEREAS, based upon the Town Board's review of the Environmental Assessment Form and the proceedings had herein, the Town Board determines that the special permit applied for will be a(n) Unlisted action without a significant impact upon the environment pursuant to the State Environmental Quality Review Act.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board determines as follows:

a. The use will not prevent or substantially impair either the reasonable and orderly use or development of other properties in the neighborhood;

b. The hazards or disadvantages to the neighborhood from the location of such use at the property are outweighed by the advantage to be gained either by the neighborhood or the Town;

c. The health, safety, welfare, comfort, convenience and order of the Town will not be adversely affected by the authorized use;

d. Such use will be in harmony with and promote the general purposes and intent; and be it further

RESOLVED, that the Town Board of the Town of Riverhead hereby approves the special permit application of Little Flower Children's Services for property located at North Wading River Road, Wading River, New York, known and designated as Suffolk County Tax Map #0600-36-1-2, pursuant to Section 108-69 of the Code of the Town of Riverhead; and be it further

RESOLVED, that the premises covered by this special permit shall be maintained in conformity with such plan which may, from time to time, be approved by the Riverhead Town Board; and be it further

RESOLVED, that no building permit shall be issued until the Town Board has approved the site plan, by resolution; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Little Flower Children's Services, Riverhead Planning Department, Riverhead Planning Board, Town Attorney's Office and the Riverhead Building Department.

The vote, Boschetti, yes, Pike, yes, Civiletti, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

# 439 AUTHORIZES TOWN CLERK TO PUBLISH & POST PUBLIC NOTICE TO  
CONSIDER AN AMENDMENT TO SECTION 52-10 OF THE RIVERHEAD  
TOWN CODE

Councilperson Lombardi offered the following resolution, which was seconded by Councilperson Civiletti:

RESOLVED, that the Town Clerk be and is hereby authorized to publish and post the following public notice to consider an amendment to Section 52-10 of the Riverhead Town Code:

**TOWN OF RIVERHEAD  
PUBLIC NOTICE**

**PLEASE TAKE NOTICE**, that a public hearing will be held on the 5th day of July, 1989, at 7:45 o'clock p.m. at Town Hall, 200 Howell Avenue, Riverhead, New York, to hear all interested persons with regard to an amendment to Section 52-10 of the Riverhead Town Code as follows:

- B. Unless otherwise provided, the minimum fee for any permit required under this chapter, whether the same is for the installation of a plumbing system or a heating system, or any other required permit, including the fee for a zoning permit under Zoning Ordinance No. 26 of the Town of Riverhead, shall be thirty dollars (\$30.).
- C. The minimum fee for a permit for the installation of a wood-burning stove shall be ten dollars (\$10.).

Dated: Riverhead, New York  
June 20, 1989.

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF RIVERHEAD

IRENE J. PENDZICK, Town Clerk

The vote, Boschetti, yes, Pike, yes, Civiletti, yes,  
Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

# 440 ACCEPTS LETTER OF CREDIT OF SUN-UP ASSOCIATES

Councilperson Boschetti offered the following resolution, which was seconded by Councilperson Pike :

WHEREAS, the Riverhead Planning Board, by resolution dated December 19, 1988, approved the subdivision map entitled "Map of Sun-Up", subject to the posting of a letter of credit in the amount of seventy-four thousand and 00/100 (\$74,000.00) dollars, covering the fees for parks, playgrounds and other recreational purposes required by said resolution; and

WHEREAS, a letter of credit has been forwarded to the Office of the Town Attorney, who has reviewed same as to form.

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to the resolution of the Planning Board, the Town Board of the Town of Riverhead does hereby accept the letter of credit of Sun-Up Associates, assuring the completion of the improvements in the subdivision known as "Map of Sun-Up", covering the fees for parks, playgrounds and other recreational purposes as directed by the Planning Board; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Sun-Up Associates, the Town Attorney's Office, the Planning Board and the Riverhead Building Department.

The vote, Boschetti, yes, Pike, yes, Civiletti, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.



# 441     ACCEPTS LETTER OF CREDIT OF SUN-UP ASSOCIATES

Councilperson Boschetti offered the following resolution, which was seconded by Councilperson Pike :

WHEREAS, the Riverhead Planning Board, by resolution dated December 19, 1988, approved the subdivision map entitled "Map of Sun-Up", subject to the posting of a letter of credit in the amount of three hundred seventeen thousand and 00/100 (\$317,000.00) dollars, covering the costs of improvements required by said resolution; and

WHEREAS, a letter of credit has been forwarded to the Office of the Town Attorney, who has reviewed same as to form.

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to the resolution of the Planning Board, the Town Board of the Town of Riverhead does hereby accept the letter of credit of Sun-Up Associates, assuring the completion of the improvements in the subdivision known as "Map of Sun-Up", covering the improvements directed by the Planning Board; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Sun-Up Associates, the Town Attorney's Office, the Planning Board and the Riverhead Building Department.

The, vote, Boschetti, yes, Pike, yes, Civiletti, yes, Lombardi, yes, Janoski, yes.

The, resolution was thereupon duly declared adopted.

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# 442 RESCINDS RESOLUTION #422 ENTITLED "APPOINTS COMPUTER GRAPHICS MAPPING SPECIALIST"

Councilperson Pike offered the following resolution which was seconded by Councilperson Boschetti.

RESOLVED, that Resolution #422 adopted by this Town Board on June 6, 1989 wherein Mark G. Heppner was appointed to the position of Computer Graphics Mapping Specialist be and is hereby rescinded.

The vote, Boschetti, yes, Pike, yes, Civiletti, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

# 443 APPOINTS COMPUTER GRAPHICS MAPPING SPECIALIST

Councilperson Pike offered the following resolution which was seconded by Councilperson Civiletti.

WHEREAS, the availability of the position of Computer Graphics Mapping Specialist with the Town of Riverhead was duly advertised; and

WHEREAS, all applicants were thereafter interviewed.

NOW, THEREFORE, BE IT RESOLVED, that Mark G. Heppner be and is hereby appointed to the position of Computer Graphics Mapping Specialist with the Town of Riverhead at the annual rate of compensation of \$25,549.18, Group 6, Step P of the Administrative Salary Schedule

BE IT FURTHER RESOLVED, that the effective date of employment for Mark G. Heppner is June 26, 1989.

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Mark G. Heppner.

The vote, Boschetti, no, Pike, yes, Civiletti, yes, Lombardi, no, Janoski, yes.

The resolution was thereupon duly declared adopted.

# 444 APPROVES SITE PLAN OF DR. ANTONIO FLORES

Councilperson Civiletti offered the following resolution, which was seconded by Councilperson Lombardi:

WHEREAS, a site plan and elevations were submitted by Dr. Antonio Flores for the renovation of existing buildings located at 729 Roanoke Avenue, Riverhead, New York, known and designated as Suffolk County Tax Map Number 0600-126-2-7; and

WHEREAS, the Planning Department has reviewed the site plan dated May 24, 1989, as prepared by Donald A. Denis, AIA, P.C., P.O. Box 565, Aquebogue, New York, 11931, and elevations, sheet 1 of 1, dated in-house May 24, 1989, as prepared by Donald A. Denis, AIA, P.C., P.O. Box 565, Aquebogue, New York, 11931, and has recommended to the Town Board of the Town of Riverhead that said site plan application be approved; and

WHEREAS, the Environmental Quality Review Board has determined that the action is a(n) Unlisted Action without significant impact upon the environment; and

WHEREAS, based upon the Town Board's review of the Environmental Assessment Form and the proceedings had herein, the Town Board determines that the site plan applied for will be a(n) Unlisted Action without a significant impact upon the environment pursuant to the State Environmental Conservation Law and 6 NYCRR Part 617; and

WHEREAS, this Town Board has reviewed the site plan and elevations aforementioned.

NOW, THEREFORE, BE IT

RESOLVED, that the site plan and elevations submitted by Dr. Antonio Flores, for the the renovation of existing buildings located at 729 Roanoke Avenue, Riverhead, New York, site plan dated May 24, 1989, as prepared by Donald A. Denis, AIA, P.C., P.O. Box 565, Aquebogue, New York, 11931, and elevations, sheet 1 of 1, dated in-house May 24, 1989, as prepared by Donald A. Denis, AIA, P.C., P.O. Box 565, Aquebogue, New York, 11931, be and are hereby approved by the Town Board of the Town of Riverhead, subject to the following:

1. That the provisions of the Riverhead Town Code, which are not addressed by this resolution, or other official action of the Town shall, at all times, be complied with by the owner of the property covered by this site plan;

2. That a covenant containing all the limitations and provisions of these approvals contained in this resolution, in a form as attached, shall be recorded with the Suffolk County Clerk and a copy of such recorded covenant shall be filed with the Riverhead Town Clerk. This resolution shall not become effective

until such covenant is duly recorded with the Suffolk County Clerk's Office and filed with the Riverhead Town Clerk;

3. That the form, design, location and color of all signage shall be submitted to the Town Board for its review and approval pursuant to the site plan process and the sign permit procedure prior to being installed at the property; that all signage so proposed shall be coordinated in appearance and design; and that all provisions of Section 108-56 of the Riverhead Town Code shall be complied with;

4. No lighting shall be installed or adjusted in such a way as to cause direct glare on neighboring properties or adjoining highways;

5. That the applicant is familiar with the Riverhead Town Code, Chapter 96, entitled, "Trash, Rubbish and Refuse Disposal", and agrees to abide by same;

6. That receptacles of a decorative design, approved by the Planning Department prior to their installation at the site, shall be maintained on the premises;

7. Parking, paving and drainage shall be provided pursuant to specifications outlined in the Riverhead Town Code;

8. That the parking area shall be maintained pursuant to specifications outlined in the Riverhead Town Code;

9. That adequate parking for the handicapped, pursuant to State and Federal law, shall be provided and that each handicap stall shall be designated by an individual sign erected on a stanchion stating, "No Parking, Handicap Only", and the universal symbol affixed thereto. Further, by execution and filing of this document, DR. ANTONIO FLORES hereby authorizes the Town of Riverhead to enter premises at 729 Roanoke Avenue, Riverhead, New York, to enforce said handicapped parking regulations;

10. That any and all landscaped and paved areas shall be regularly maintained in an orderly and professional manner and kept free of weeds and litter; and that any planters, planter boxes, window boxes or other container plantings shall likewise be maintained on a year-round basis;

11. That, prior to the issuance of a Certificate of Occupancy for the premises, a buffer planting of deciduous flowering shrubs shall be added along the south property boundary; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Dr. Antonio Flores, Donald A. Denis, AIA, P.C., Allen M. Smith, Esq., the Riverhead Planning Department, the Riverhead Building Department, and the Office of the Town Attorney.

The, vote, Boschetti, yes, Pike, yes, Civiletti, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

## DECLARATION AND COVENANTS

THIS DECLARATION, made the \_\_\_\_\_ day of \_\_\_\_\_, 1989, made by DR. ANTONIO FLORES, residing at 940 Roanoke Avenue, Riverhead, New York, Declarant.

## W I T N E S S E T H:

WHEREAS, Declarant is the owner of certain real property situate in the Town of Riverhead, Suffolk County, New York, more particularly bounded and described as set forth in SCHEDULE "A" annexed hereto, as provided by Declarant; and

WHEREAS, for and in consideration of the granting of said site plan, the Town Board of the Town of Riverhead has deemed it to be in the best interests of the Town of Riverhead, and the owner and prospective owners of said parcel, that the within covenants and restrictions be imposed on said parcel, and as a condition of granting said site plan and said Town Board has required that the within Declaration be recorded in the Suffolk County Clerk's Office; and

WHEREAS, Declarant has considered the foregoing and determined that same will be in the best interest of the Declarant and subsequent owners of said parcel.

## NOW, THEREFORE, THIS DECLARANT WITNESSETH:

That Declarant, for the purpose of carrying out the intentions above expressed, does hereby make known, admit, publish, covenant and agree that the said premises herein described shall hereafter be subject to the following covenants which shall run with the land, and shall be binding upon all purchasers and holders of said premises, their heirs, executors, legal representatives, distributees, successors and assigns; to wit:

1. That the provisions of the Riverhead Town Code, which are not addressed by this resolution, or other official action of the Town shall, at all times, be complied with by the owner of the property covered by this site plan;

2. That the form, design, location and color of all signage shall be submitted to the Town Board for its review and approval pursuant to the site plan process and the sign permit procedure prior to being installed at the property; that all signage so proposed shall be coordinated in appearance and design; and that all provisions of Section 108-56 of the Riverhead Town Code shall be complied with;

3. No lighting shall be installed or adjusted in such a way as to cause direct glare on neighboring properties or adjoining highways;

6/20/89 4. That the applicant is familiar with the Riverhead Town Code, Chapter 96, entitled, "Trash, Rubbish and Refuse Disposal", and agrees to abide by same;

5. That receptacles of a decorative design, approved by the Planning Department prior to their installation at the site, shall be maintained on the premises;

6. Parking, paving and drainage shall be provided pursuant to specifications outlined in the Riverhead Town Code;

7. That the parking area shall be maintained pursuant to specifications outlined in the Riverhead Town Code;

8. That adequate parking for the handicapped, pursuant to State and Federal law, shall be provided and that each handicap stall shall be designated by an individual sign erected on a stanchion stating, "No Parking, Handicap Only", and the universal symbol affixed thereto;

9. That any and all landscaped and paved areas shall be regularly maintained in an orderly and professional manner and kept free of weeds and litter; and that any planters, planter boxes, window boxes or other container plantings shall likewise be maintained on a year-round basis;

10. That, prior to the issuance of a Certificate of Occupancy for the premises, a buffer planting of deciduous flowering shrubs shall be added along the south property boundary.

Declarant has hereunto set his (her) hand and seal the day and year above first written.

DR. ANTONIO FLORES

STATE OF NEW YORK)  
COUNTY OF SUFFOLK) ss.:

On the \_\_\_\_\_ day of \_\_\_\_\_, 1989, before me personally came DR. ANTONIO FLORES, to me known and known to be the individual who executed the foregoing instrument; that (s)he is the owner of certain real property located at 729 Roanoke Avenue, Riverhead, New York, the subject property of this Declaration and Covenant, and understands the content thereof; and that (s)he did swear to me that (s)he executed the same.

**NOTARY PUBLIC**

# 445 APPROVES SITE PLAN OF LIVING WATER FULL GOSPEL CHURCH

Councilperson Lombardi offered the following resolution, which was seconded by Councilperson Civiletti:

WHEREAS, a site plan and elevations were submitted by Robert Taylor, as agent for Living Water Full Gospel Church for a two-story addition consisting of 8,885 square feet on each story to the existing facility which will result in the construction of nine (9) classrooms and an auditorium, as well as the conversion of the existing auditorium to four (4) classrooms, with attending site improvements, at premises located at the northeast corner of Hubbard Avenue and Shade Tree Lane, Aquebogue, New York, known and designated as Suffolk County Tax Map Number 0600-112-3-4.1; and

WHEREAS, the Planning Department has reviewed the site plan dated November, 1988, and consisting of pages A-1, A-2, and A-3, as prepared by Peter T. Podlas, AIA, 71 Shinnecock Avenue, East Quogue, New York, 11942, and elevations undated, and dated in-house May 15, 1989, as prepared by Peter T. Podlas, AIA, 71 Shinnecock Avenue, East Quogue, New York, 11942, and has recommended to the Town Board of the Town of Riverhead that said site plan application be approved with conditions; and

WHEREAS, the Environmental Quality Review Board has determined that the action is a(n) Unlisted Action without significant impact upon the environment; and

WHEREAS, based upon the Town Board's review of the Environmental Assessment Form and the proceedings had herein, the Town Board determines that the site plan applied for will be a(n) Unlisted Action without a significant impact upon the environment pursuant to the State Environmental Conservation Law and 6 NYCRR Part 617; and

WHEREAS, this Town Board has reviewed the site plan and elevations aforementioned.

NOW, THEREFORE, BE IT

RESOLVED, that the site plan and elevations submitted by Robert Taylor, as agent for Living Water Full Gospel Church, for the a two-story addition consisting of 8,885 square feet on each story to the existing facility which will result in the construction of nine (9) classrooms and an auditorium, as well as the conversion of the existing auditorium to four (4) classrooms, with attending site improvements, at premises located at the northeast corner of Hubbard Avenue and Shade Tree Lane, Aquebogue, New York, site plan dated November, 1988, and consisting of pages A-1, A-2, and A-3, as prepared by Peter T. Podlas, AIA, 71 Shinnecock Avenue, East Quogue, New York, 11942,



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and elevations undated and dated in-house May 15, 1989, as prepared by Peter T. Podlas, AIA, 71 Shinnecock Avenue, East Quogue, New York, 11942, be and are hereby approved with conditions by the Town Board of the Town of Riverhead, subject to the following:

1. That the provisions of the Riverhead Town Code, which are not addressed by this resolution, or other official action of the Town shall, at all times, be complied with by the owner of the property covered by this site plan;

2. That a covenant containing all the limitations and provisions of these approvals contained in this resolution, in a form as attached, shall be recorded with the Suffolk County Clerk and a copy of such recorded covenant shall be filed with the Riverhead Town Clerk. This resolution shall not become effective until such covenant is duly recorded with the Suffolk County Clerk's Office and filed with the Riverhead Town Clerk;

3. That the form, design, location and color of all signage shall be submitted to the Town Board for its review and approval pursuant to the site plan process and the sign permit procedure prior to being installed at the property; that all signage so proposed shall be coordinated in appearance and design; and that all provisions of Section 108-56 of the Riverhead Town Code shall be complied with;

4. No lighting shall be installed or adjusted in such a way as to cause direct glare on neighboring properties or adjoining highways;

5. That the applicant is familiar with the Riverhead Town Code, Chapter 96, entitled, "Trash, Rubbish and Refuse Disposal", and agrees to abide by same;

6. That receptacles of a decorative design, approved by the Planning Department prior to their installation at the site, shall be maintained on the premises;

7. Parking, paving and drainage shall be provided pursuant to specifications outlined in the Riverhead Town Code;

8. That the parking area shall be maintained pursuant to specifications outlined in the Riverhead Town Code;

9. That adequate parking for the handicapped, pursuant to State and Federal law, shall be provided and that each handicap stall shall be designated by an individual sign erected on a stanchion stating, "No Parking, Handicap Only", and the universal symbol affixed thereto. Further, by execution and filing of this document, LIVING WATER FULL GOSPEL CHURCH hereby authorizes the Town of Riverhead to enter premises at the

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northeast corner of Hubbard Avenue and Shade Tree Lane, Aquebogue, New York, to enforce said handicapped parking regulations;

10. That any and all landscaped and paved areas shall be regularly maintained in an orderly and professional manner and kept free of weeds and litter; and that any planters, planter boxes, window boxes or other container plantings shall likewise be maintained on a year-round basis;

11. That those parking spaces, as indicated on the site plan approved herein and initialled by a majority of the Town Board, shall not be required to be constructed until thirty-six (36) months from the issuance of a Certificate of Occupancy for the premises, unless the need for said spaces arises prior to the expiration of thirty-six (36) months, pursuant to Section 108-60 (L) of the Code of the Town of Riverhead and that no natural vegetation (trees) shall be cleared from said area until the commencement of construction;

12. That Arborvitae, where indicated in the Town of Riverhead right of way, shall be changed to juniper, Rugosa rose, or other similar variety, adequate in number to screen the parking area, and that all planting indicated on the drawings approved herein shall be completed prior to the issuance of any Certificate of Occupancy for the premises; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Robert Taylor, as agent for Living Water Full Gospel Church, Peter T. Podlas, AIA, the Riverhead Planning Department, the Riverhead Building Department, the Superintendent of Highways, and the Office of the Town Attorney.

The vote, Boschetti, yes, Pike, yes, Civiletti, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

**DECLARATION AND COVENANTS**

THIS DECLARATION, made the \_\_\_\_\_ day of \_\_\_\_\_, 1989, made by LIVING WATER FULL GOSPEL CHURCH (Chairman of Board of Trustees), residing at Hubbard Avenue and Shade Tree Lane, Aquebogue, New York, 11931, Declarant.

**W I T N E S S E T H:**

WHEREAS, Declarant is the owner of certain real property situate in the Town of Riverhead, Suffolk County, New York, more particularly bounded and described as set forth in SCHEDULE "A" annexed hereto, as provided by Declarant; and

WHEREAS, for and in consideration of the granting of said site plan, the Town Board of the Town of Riverhead has deemed it to be in the best interests of the Town of Riverhead, and the owner and prospective owners of said parcel, that the within covenants and restrictions be imposed on said parcel, and as a condition of granting said site plan and said Town Board has required that the within Declaration be recorded in the Suffolk County Clerk's Office; and

WHEREAS, Declarant has considered the foregoing and determined that same will be in the best interest of the Declarant and subsequent owners of said parcel.

**NOW, THEREFORE, THIS DECLARANT WITNESSETH:**

That Declarant, for the purpose of carrying out the intentions above expressed, does hereby make known, admit, publish, covenant and agree that the said premises herein described shall hereafter be subject to the following covenants which shall run with the land, and shall be binding upon all purchasers and holders of said premises, their heirs, executors, legal representatives, distributees, successors and assigns; to wit:

1. That the provisions of the Riverhead Town Code, which are not addressed by this resolution, or other official action of the Town shall, at all times, be complied with by the owner of the property covered by this site plan;

2. That the form, design, location and color of all signage shall be submitted to the Town Board for its review and approval pursuant to the site plan process and the sign permit procedure prior to being installed at the property; that all signage so proposed shall be coordinated in appearance and design; and that all provisions of Section 108-56 of the Riverhead Town Code shall be complied with;

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3. No lighting shall be installed or adjusted in such a way as to cause direct glare on neighboring properties or adjoining highways;

4. That the applicant is familiar with the Riverhead Town Code, Chapter 96, entitled, "Trash, Rubbish and Refuse Disposal", and agrees to abide by same;

5. That receptacles of a decorative design, approved by the Planning Department prior to their installation at the site, shall be maintained on the premises;

6. Parking, paving and drainage shall be provided pursuant to specifications outlined in the Riverhead Town Code;

7. That the parking area shall be maintained pursuant to specifications outlined in the Riverhead Town Code;

8. That adequate parking for the handicapped, pursuant to State and Federal law, shall be provided and that each handicap stall shall be designated by an individual sign erected on a stanchion stating, "No Parking, Handicap Only", and the universal symbol affixed thereto;

9. That any and all landscaped and paved areas shall be regularly maintained in an orderly and professional manner and kept free of weeds and litter; and that any planters, planter boxes, window boxes or other container plantings shall likewise be maintained on a year-round basis;

10. That those parking spaces, as indicated on the site plan approved herein and initialled by a majority of the Town Board, shall not be required to be constructed until thirty-six (36) months from the issuance of a Certificate of Occupancy for the premises, unless the need for said spaces arises prior to the expiration of thirty-six (36) months, pursuant to Section 108-60 (L) of the Code of the Town of Riverhead, and that by affixing his/her signature to this declaration, the applicant indicates his consent to, and understanding of, the provisions of Section 108-60(L).

11. That Arborvitae, where indicated in the Town of Riverhead right of way, shall be changed to juniper, Rugosa rose, or other similar variety, adequate in number to screen the parking area, and that all planting indicated on the drawings approved herein shall be completed prior to the issuance of any Certificate of Occupancy for the premises; and be it further

Declarant has hereunto set his (her) hand and seal the day and year above first written.

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LIVING WATER FULL GOSPEL CHURCH

(Chairman of Board of Trustees)

STATE OF NEW YORK )  
 ) ss.:  
COUNTY OF SUFFOLK )

On the \_\_\_\_\_ day of \_\_\_\_\_, 1989, before me personally came LIVING WATER FULL GOSPEL CHURCH (Chairman of Board of Trustees), to me known and known to be the individual who executed the foregoing instrument; that (s)he is the owner of certain real property located at the northeast corner of Hubbard Avenue and Shade Tree Lane, Aquebogue, New York, the subject property of this Declaration and Covenant, and understands the content thereof; and that (s)he did swear to me that (s)he executed the same.

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# 446 RELEASES PERFORMANCE BOND OF LEVON PROPERTIES CORPORATION

Councilperson Boschetti offered the following resolution, which was seconded by Councilperson Pike:

WHEREAS, on June 3, 1969, an excavation permit was issued to Levon Properties Corporation; and

WHEREAS, the Town Board, as a condition to the issuance of the permit, required the applicant to submit a \$22,000.00 bond; and

WHEREAS, said bond was received and filed with the Town Clerk; and

WHEREAS, Liberty Mutual Insurance Company is requesting the release of said bond as all requirements required by the Town Board have been satisfied.

NOW, THEREFORE, BE IT

RESOLVED, that the performance bond issued by Liberty Mutual Insurance Company in the amount of \$22,000.00 issued to Levon Properties Corporation be and is hereby released; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Liberty Mutual Insurance Company and the Town Attorney's Office.

The vote, Boschetti, yes, Pike, yes, Civiletti, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

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# 447 AUTHORIZES SUPERVISOR TO EXECUTE AGREEMENTS AND ACCEPT  
DEED RE: SUN-UP ASSOCIATES

Councilperson Pike offered the following resolution, which was seconded by Councilperson Boschetti :

RESOLVED, that the Supervisor be and is hereby authorized to execute any and all agreements regarding the dedication of certain easements in the subdivision known as "Sun-Up"; and be it further

RESOLVED, that the Supervisor be and is hereby authorized to accept a deed for the dedication of a turn around located in said subdivision; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Sun-Up Associates, Inc. and to Supervisor Janoski.

The vote, Boschetti, yes, Pike, yes, Civiletti, yes, Lomardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

# 448 AUTHORIZES ANNUAL STIPEND FOR SEWER CLERK

Councilperson Civiletti offered the following resolution which was seconded by Councilperson Lombardi.

WHEREAS, Victoria Martin presently serves the Riverhead Sewer District in calculation of sewer gallonage and special ad valorem charges.

NOW, THEREFORE, BE IT RESOLVED, that Victoria Martin shall be paid an annual stipend of \$1,200 retroactive January 1, 1989 for her services as Clerk to the Riverhead Sewer District; and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to forward a copy of this resolution to Victoria Martin, Leroy Barnes, Jr. and the Office of Accounting.

The vote, Boschetti, yes, Pike, yes, Civiletti, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.



# 449 RE-APPOINTS PATRICIA TORMEY MEMBER AND CHAIRMAN OF THE  
RIVERHEAD ZONING BOARD OF APPEALS

Councilperson Lombardi offered the following  
resolution which was seconded by Councilperson Civiletti.

WHEREAS, the five-year term of Patricia Tormey as a member of the Town of Riverhead Zoning Board of Appeals does expire on June 1, 1989; and

WHEREAS, the one-year term of Patricia Towmey as Chairman of the Town of Riverhead Zoning Board of Appeals does expire on June 1, 1989.

NOW, THEREFORE, BE IT RESOLVED, that Patricia Tormey be and is hereby re-appointed as a member of the Zoning Board of Appeals for a term of five (5) years commencing June 1, 1989, at the annual compensation of \$4,400; and

BE IT FURTHER RESOLVED, that Patricia Tormey be and is hereby re-appointed to the position of Chairman of the Zoning Board of Appeals for a term of one (1) year commencing June 1, 1989, at the annual additional compensation of \$1,000; and

BE IT FURTHER RESOLVED, that Kenneth Wells be and is hereby re-appointed to the position of Assistant Chairman of the Zoning Board of Appeals for a term of one (1) year, commencing June 1, 1989, at no additional compensation.

The vote, Boschetti, yes, Pike, yes, Civiletti, yes,  
Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

# 450

AUTHORIZED THE SOLICITATION OF BIDS FOR  
4-Wheel Drive Vehicle

COUNCILPERSON Boschetti offered the following RESOLUTION, which was seconded by COUNCILPERSON Pike.

RESOLVED, that the Town Clerk be and hereby is authorized to advertise for sealed bids for the purchase of 4-Wheel Drive Vehicle for use by the Riverhead Town Police Dept., and be it further

RESOLVED, that the Town Clerk be and hereby is authorized to open and publicly read allowed said bids at 11:00 A. M. on July 3 19 89, at Town Hall, 200 Howell Avenue, Riverhead New York: and to make a report of said bids to the Town Board at the next public meeting followning the opening of the bids.

NOTICE TO BIDDERS ATTACHED

The vote, Boschetti, yes, Pike, yes, Civiletti, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

TOWN OF RIVERHEAD  
NOTICE TO BIDDERS

Sealed bids for the purchase of 4-Wheel Drive Vehicle for use by the Riverhead Town Police Dept. will be received by the Town Clerk of the Town of Riverhead at Town Hall, 200 Howell Avenue, Riverhead New York, 11901, until 11:00 A.M. on July 3, 19 89 .

Bid packets, including specifications, may be obtained at the Town Clerk's Office at Town Hall Monday through Friday between the hours of 8:30 A.M. and 4:30 P.M.

All bids must be submitted on the bid form provided. Any and all exceptions to the specifications must be listed on a separate sheet of paper, bearing the designation "EXCEPTIONS TO THE SPECIFICATIONS" and be attached to the bid form.

The Town Board reserves the right and responsibility to reject any or all bids or to waive any formality if it believes such action to be in the best interest of the Town.

All bids are to be submitted in a sealed envelope bearing the designation 4-Wheel Drive Vehicle .

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF RIVERHEAD

Irene J. Pendick, Town Clerk

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# 451 APPROVES RIVERHEAD CHAMBER OF COMMERCE TO CONDUCT  
SIDEWALK SALE

Councilperson Pike offered the following  
resolution which was seconded by Councilperson Boschetti.

WHEREAS, the Town Board is in receipt of a request from the Riverhead Chamber of Commerce to conduct a sidewalk sale promotion in the area along Main Street and the grassy area between Main Street, the Peconic River Parking Lot, the Chamber of Commerce Office and the East End Arts and Humanities Council Building on July 6, 7 and 8, 1989.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board does hereby grant permission to the Riverhead Chamber of Commerce to conduct a sidewalk sale promotion in the above described area on July 6, 7 and 9, 1989; and

BE IT FURTHER RESOLVED, that the Riverhead Chamber of Commerce shall provide to the Town Clerk a certificate of insurance for liability insurance coverage in the amount of \$1,000,000 naming the Town of Riverhead as an additional insured; and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to the Riverhead Chamber of Commerce and the Riverhead Police Department.

The vote, Boschetti, yes, Pike, yes, Civiletti, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#452 INCREASE AND IMPROVEMENT OF THE FACILITIES OF THE RIVERHEAD  
WATER DISTRICT.

At a regular meeting of the Town Board of the Town of Riverhead, Suffolk County, New York, held at the Town Hall, 200 Howell Avenue, in Riverhead, New York in said Town, on the 20 day of June, 1989, at 7:30 o'clock P.M., Prevailing Time.

PRESENT:

JOSEPH F. JANOSKI  
Supervisor

JOHN LOMBARDI  
Councilman

LOUIS BOSCHETTI  
Councilman

ROBERT PIKE  
Councilman

DENISE CIVILETTI  
Councilman

-----  
In the Matter of  
the Increase and Improvement of the  
Facilities of the Riverhead Water  
District of the Town of Riverhead,  
Suffolk County, New York.

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Councilwoman Civiletti offered the following resolution  
which was seconded by Councilman Lombardi.

WHEREAS, the Town Board of the Town of Riverhead, Suffolk County, New York, has duly caused to be prepared a map, plan and estimate of cost, pursuant to Section 202-b of the Town Law, relating to the increase and improvement of the facilities of the Riverhead Water District of said Town, by the construction

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of a water distribution system within Extension No. 35 - Wading River, including mains, valves, hydrants and necessary improvements and appurtenances in connection therewith, a portion of which will serve the entirety of said Riverhead Water District, at a maximum estimated cost of \$680,000, and a portion of which will serve only Extension No. 35 - Wading River to said Riverhead Water District, at a maximum estimated cost of \$2,722,000;

and

WHEREAS, at a meeting of said Town Board duly called and held on August 5, 1986, an order was duly adopted by it and entered in the minutes specifying that the said Board would meet to consider such increase and improvement of the facilities of the Riverhead Water District of said Town at a maximum estimated cost of six hundred eighty thousand dollars (\$680,000) and to hear all persons interested in the subject thereof concerning the same at the Town Hall, 200 Howell Avenue, in Riverhead, New York, in said Town, on the 19th day of August 1986, at 8:25 o'clock P.M., Prevailing Time; and

WHEREAS, the said order duly certified by the Town Clerk was duly published and posted as required by law, to-wit: a duly certified copy thereof was published in the official newspaper of this Town, and a copy of such order was posted on the signboard maintained by the Town Clerk of the Town of Riverhead, pursuant to Section 30, subdivision 6 of the Town Law; and

WHEREAS, a public hearing was duly held at the time and place set forth in said notice, at which all persons desiring to be heard were duly heard; NOW, THEREFORE, BE IT

ORDERED, by the Town Board of the Town of Riverhead, Suffolk County, New York, as follows:

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to make the improvements, to-wit: to increase and improve the facilities of the Riverhead Water District of said Town by the construction of a water distribution system within Extension No. 35 - Wading River, including mains, valves, hydrants and necessary improvements and appurtenances in connection therewith, a portion of which will serve the entirety of said Riverhead Water District and a portion of which will serve only the proposed Extension No. 35 - Wading River to said Riverhead Water District, at a maximum estimated cost of such increase and improvement of facilities of the Riverhead Water District of \$680,000.

Section 2. This order shall take effect immediately.

The question of the adoption of the foregoing order was duly put to a vote on roll, which resulted as follows:

Supervisor Janoski VOTING Yes

Councilman Lombardi VOTING Yes

Councilman Boschetti VOTING Yes

Councilman Pike VOTING Yes

Councilwoman Civiletti VOTING Yes

The order was thereupon declared duly adopted.

6/20/89

STATE OF NEW YORK                    )  
  )ss:  
COUNTY OF SUFFOLK                 )

I, the undersigned Clerk of the Town of Riverhead, Suffolk County, New York, DO HEREBY CERTIFY:

That I have compared the annexed extract of the minutes of the meeting of the Town Board of said Town, including the resolution contained therein, held on June 20, 1989, with the original thereof on file in my office, and that the same is a true and correct transcript therefrom and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that all members of said Board had due notice of said meeting.

I FURTHER CERTIFY that, pursuant to Section 103 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public.

I FURTHER CERTIFY that, PRIOR to the time of said meeting, I duly caused a public notice of the time and place of said meeting to be given to the following newspapers and/or other news media as follows:

Newspaper and/or other news media

Date given

News Review

January 3, 1989



6/20/89

I FURTHER CERTIFY that PRIOR to the time of said meeting, I duly caused public notice of the time and place of said meeting to be conspicuously posted in the following designated public location(s) on the following dates:

Designated Location(s)  
of posted notice

Date of Posting

Town Clerk's Bulletin Board

January 3, 1989

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town, on June 20, 1989.

(SEAL)

\_\_\_\_\_  
Town Clerk

#453 ~~6/20/89~~ ESTABLISHMENT OF PROPOSED  
EXT. 35 - WADING RIVER  
TO THE WATER DISTRICT

72113-346P

At a regular meeting of the Town Board of the Town of Riverhead, Suffolk County, New York, held at the Town Hall, 200 Howell Avenue, in Riverhead, New York, in said Town, on June 20, 1989, at 7:30 o'clock P.M., Prevailing Time.

## PRESENT:

JOSEPH F. JANOSKI  
Supervisor

JOHN LOMBARDI  
Councilman

LOUIS BOSCHETTI  
Councilman

ROBERT PIKE  
Councilman

DENISE CIVILETTI  
Councilman

-----  
In the Matter )  
of )  
The establishment of a proposed )  
Extension to the Riverhead Water )  
District of the Town of )  
Riverhead, Suffolk County, New York, )  
to be known as Extension No. 35- )  
Wading River to the Riverhead Water )  
District, of the Town of Riverhead, )  
Suffolk County, New York )  
-----

FINAL ORDER

Councilman Lombardi Lombardi offered the following resolution which was seconded by Councilwoman Civiletti.  
WHEREAS, the Town Board of the Town of Riverhead, Suffolk

County, New York, has heretofore duly caused a map, plan and report to be prepared by a competent engineer, duly licensed by the State of New York, which have been filed in the office of the Town Clerk of said Town, in relation to the establishment of an extension to the Riverhead Water District in said Town, such extension to be known as Extension No. 35 to Riverhead Water District in said Town,

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and the construction of a water distribution system within the proposed Extension No. 35 - Wading River, including mains, valves, hydrants and necessary improvements and appurtenances in connection therewith, a portion of which will serve the entirety of said Riverhead Water District and a portion of which will serve only the proposed Extension No. 35 - Wading River to said Riverhead Water District;

WHEREAS, an order was duly adopted by said Town Board on August 5, 1986, reciting a description of the boundaries of said proposed Extension No. 35 - Wading River to the Riverhead Water District, the improvements proposed therefor, the maximum amount proposed to be expended for said improvements, the proposed method of financing to be employed, the fact that said map, plan and report were on file in the Town Clerk's office for public inspection, and specifying the 19th day of August, 1986, at 8:35 o'clock P.M., Prevailing Time, at the Town Hall, 200 Howell Avenue, in Riverhead, New York, in said Town, as the time when and the place where said Town Board would meet for the purpose of holding a public hearing to hear all persons interested in the subject thereof concerning the same;

WHEREAS, such order was duly published and posted in the manner and within the time prescribed by Section 209-d of the Town Law and proof of such publication and posting has been duly presented to said Town Board;

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WHEREAS, said public hearing was duly held at the time and place set forth in said order, as aforesaid, at which time all persons desiring to be heard were duly heard;

WHEREAS, on October 4, 1988, based upon said map, plan and report and the evidence at such public hearing, said Town Board duly adopted a resolution determining in the affirmative all of the questions set forth in subdivision 1 of Section 209-e of the Town Law and approving the establishment of said Extension No. 35 - Wading River to the Riverhead Water District, such order being adopted subject to permissive referendum;

WHEREAS, notice of the adoption of said resolution was duly published and posted in the manner provided by applicable provisions of the Town Law, and proof of said publication and posting has been duly presented to this Town Board;

WHEREAS, the period of time for the submission and filing of a petition against said resolution and requesting a referendum in connection therewith elapsed without such a petition being submitted and filed; and

WHEREAS, in response to an application duly made pursuant to subdivision 3 of Section 209-f of the Town Law, the State Comptroller has duly made an order, in duplicate, dated May 31, 1989, granting permission for the establishment of Extension No. 35 - Wading River to the Riverhead Water District, one copy of which has been filed in the office of the Town Clerk and

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which has been submitted to said Town Board; NOW, THEREFORE, IT IS HEREBY

ORDERED, by the Town Board of the Town of Riverhead, Suffolk County, New York, as follows:

Section 1. Extension No. 35 - Wading River to the Riverhead Water District, in the Town of Riverhead, Suffolk County, New York, in accordance with the aforesaid order of the State Comptroller, is hereby established, to be bounded and described as follows:

PROPOSED EXTENSION NO. 35

WADING RIVER

RIVERHEAD WATER DISTRICT

DESCRIPTION

BEGINNING at a point on the southerly line of Long Island Sound, said point being the northwest corner of District 0600, Section 029 of the Suffolk County Tax Map and the boundary line of the Townships of Brookhaven and Riverhead.

Thence from said point of beginning easterly along the north line of District 0600, Sections 029, 024, 025, 036, 025, 026 and the north line of Section 027 to a point which is the property line between lots 19 and 20, Block 1, Section 027.

Thence south, southwesterly and southeasterly along the property line between lots 19 and 20, Block 1, Section 027 to the north side of Wading River Road.

Thence southerly across Wading River Road, thence southeasterly along the easterly line of lot 14, Block 4, lots 2, 4, 21, 22, 23, 24, 25, 26, 27, 28, 29 and 30 in Block 3, Section 033, to the southerly line of Section 033 and the northerly line of Section 052.

Thence southerly along the line between Section 052 and 058 to the southwest corner of lot 53, Block 2, Section 052.

Thence easterly along the southerly line of Section 052, 257 feet  $\pm$  to the southwest corner of Section 053, Block 2, lot 40.

Thence easterly and southerly along the southerly line of Section 053 and the northerly line of Section 058 to the westerly line of Hulse Landing Road (C.R. 54) and the southeasterly corner of Section 053 and the northeast corner of Section 058, Block 1, lot 2.3.

Thence southerly along the westerly line of Wildwood Road (Hulse Landing Road) (C.R. 54) to the southeast corner of lot 3.

Thence easterly across Wildwood Road (Hulse Landing Road) (C.R. 54) to the southwest corner of Section 058, Block 2, lot 1.

EXHIBIT B-2 (CONT'D.)

Thence easterly 592 feet ± to the southeasterly corner of lot 1.

Thence northerly along the easterly line of lot 1 to the southwest corner of lot 4.2, Block 2.

Thence easterly along the southerly line of lot 4.2 and lot 9 to the southeast corner of lot 9 and the easterly section line of Section 058.

Thence southerly along the easterly line of Section 058 to the southeast corner of Section 058 at the northerly line of Sound Avenue.

Thence south across Sound Avenue to the southerly line of Sound Avenue and the northerly line of Section 059.

Thence westerly along the southerly line of Sound Avenue to the northwest corner of Section 059.

Thence still along the southerly line of Sound Avenue and the northerly line of lots 14 and 13.1, Block 2, Section 058 to the southeast corner of Sound Avenue and Wildwood Road (Hulse Landing Road) (C.R. 54).

Thence westerly across Wildwood Road (Hulse Landing Road) (C.R. 54) to the southwest corner.

Thence southerly along the westerly line of Wildwood Road (Hulse Landing Road) (C.R. 54) to the southeast corner of lot 5, Block 1, Section 058 and the northeast corner of Section 076, Block 2, lot 8.

Thence southerly along the westerly line of Hulse Landing Road (C.R. 54) to the corner formed by the west side of Hulse Landing Road and the northerly line of Parker Road (S.R. 25A)

Thence northwesterly along the northerly line of Parker Road (S.R. 25A) to the southeast corner of Block 2, lot 5, then northeasterly, northerly and westerly to the northwest corner of lot 5 and the easterly line of Block 2, lot 4.

Thence northerly along the easterly line of lot 4, 1385 feet ± to the northeasterly corner of lot 4.

Thence westerly along the northerly line of lots 4 and 3 to the northwest corner of lot 3.

EXHIBIT B-2 (CONT'D.)

Thence southerly along the westerly line of lot 3 to the northeasterly corner of lot 2.2.

Thence westerly to the northwest corner of lot 2.2.

Thence southerly to the southwest corner of lot 2.2 and the northerly line of Parker Road (S.R. 25A).

Thence northwesterly along Parker Road (S.R. 25A) to the southeast corner of lot 2.3, Block 2, Section 076.

Thence northerly along the easterly line of lot 2.3 to the northeast corner.

Thence westerly to the northwest corner of lot 2.3 and the line between Blocks 1 and 2, Section 076.

Thence southerly along the westerly line of lot 2.3 to the northerly line of Parker Road.

Thence northerly along the northerly line of Parker Road (S.R. 25A) to the southeast corner of Section 075, Block 2.

Thence northwesterly along Parker Road (S.R. 25A) to the northwest corner of Block 2, lot 4, which is the intersection of the southerly line of Sound Avenue and the northerly line of Parker Road (S.R. 25A).

Thence northwesterly across the intersection of Sound Avenue (S.R. 25A) and Parker Road (S.R. 25A) to the southeasterly corner of Section 075, Block 1, lot 11.

Thence westerly along the northerly line of Sound Avenue (S.R. 25A) to the southwest corner of Section 075, Block 1, lot 7.

Thence northerly along the westerly line of lot 7 to the southeast corner of Block 1, lot 5.13.

Thence westerly along the southerly line of lots 5.13, 5.12, 5.11, 5.10, 5.9, 5.8, 5.6, 5.5 and 5.4 to the southwesterly corner of lot 5.4, Block 1.

Thence northerly along the westerly line of lots 5.4 and 5.3, Block 1 to the southerly line of lot 6.

Thence northwesterly along the southerly line of lot 6 to the southwest corner of lot 6 and the northwest corner of lot 1, Block 1.



## EXHIBIT B-2 (CONT'D.)

Thence southerly along the westerly line of lot 1, Block 1, Section 075 and the easterly line of Section 74 to the northerly line of Sound Avenue.

Thence across Sound Avenue to the northeast corner of lot 3.3, Block 3, Section 075.

Thence southerly to the southeast corner of lot 3.3.

Thence westerly along the southerly line of lot 3.3 to the southwest corner of lot 3.3.

Thence northerly along the westerly line of lot 3.3 and the easterly line of lot 2.2 to the northeast corner of lot 2.2.

Thence westerly along the northerly line of lot 2.2 to the easterly line of Manorville Road.

Thence across Manorville Road to the west line of Manorville Road.

Thence northerly along the westerly line of Manorville Road to the southerly line of Sound Avenue (Port Jefferson - Riverhead Road).

Thence westerly along the southerly line of Sound Avenue (Port Jefferson - Riverhead Road) to the Town Line of Brookhaven - Riverhead.

Thence northerly, westerly and northerly along the Town Line to the point or place of BEGINNING.

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Section 2. The construction of improvements for Extension No. 35 - Wading River to the Riverhead Water District in the Town of Riverhead, Suffolk County, New York, consisting of the construction of a water distribution system within the proposed Extension No. 35 - Wading River, including mains, valves, hydrants and necessary improvements and appurtenances in connection therewith, a portion of which will serve the entirety of said Riverhead Water District and a portion of which will serve only the proposed Extension No. 35 - Wading River to said Riverhead Water District, substantially in accordance with the aforesaid map, plan and report, is hereby authorized and approved. The maximum amount to said Extension No. 35 - Wading River to the Riverhead Water District pursuant to these proceedings for said construction shall not exceed \$2,722,000. Said cost of said improvements shall be financed by the issuance of serial bonds of said Town maturing in annual installments over a period not exceeding forty years, payable in the first instance from assessments levied upon and collected from the several lots and parcels of land within said Extension No. 35 - Wading River to the Riverhead Water District, which the Town shall determine and specify to be especially benefited by the improvement, in an amount sufficient to pay the principal and interest on said bonds as the same become due, but if not paid from such source, all the

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taxable real property in said Town shall be subject to the levy of ad valorem taxes without limitation as to rate or amount sufficient to pay the principal of and interest on said bonds as the same shall become due. The maximum total cost for said construction shall not exceed \$3,402,000, of which amount \$680,000 shall be allocated and charged as a cost of increasing and improving the facilities of the Riverhead Water District and be borne by the entire District, as extended, and \$2,722,000 shall be allocated and charged solely to Extension No. 35 - Wading River as provided hereinabove.

Section 3. The Town Clerk is hereby authorized and directed to cause a certified copy of this order to be duly recorded in the office of the Clerk of Suffolk County, New York, within ten days after the adoption of this order by this Town Board and to file a certified copy thereof within that time in the office of the State Department of Audit and Control, in Albany, New York, both pursuant to subdivision 1 of Section 209-g of the Town Law.

Section 4. This order shall take effect immediately.

The question of the adoption of the foregoing order was duly put to a vote on roll call, which resulted as follows:

<u>Supervisor Janoski</u>	VOTING	<u>Yes</u>
<u>Councilman Lombardi</u>	VOTING	<u>Yes</u>
<u>Councilman Boschetti</u>	VOTING	<u>Yes</u>
<u>Councilman Pike</u>	VOTING	<u>Yes</u>
<u>Councilwoman Civiletti</u>	VOTING	<u>Yes</u>

The order was thereupon declared duly adopted.

\* \* \* \* \*

STATE OF NEW YORK     )  
                              ) ss.:  
COUNTY OF SUFFOLK    )

I, the undersigned Clerk of the Town of Riverhead, Suffolk County, New York, DO HEREBY CERTIFY:

That I have compared the foregoing copy of the minutes of the meeting of the Town Board of said Town, including the order contained therein, held on June 20, 1989, with the original thereof on file in my office, and that the same is a true and correct copy of said original and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that all members of said Board had due notice of said meeting, and that, pursuant to Section 103 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public, and that I duly caused a public notice of the time and place of said meeting to be given to the following newspapers and/or other news media as follows:

6/20/89

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Newspaper and/or other news media

Date given

News Review

January 3, 1989

and that further duly caused public notice of the time and place of said meeting to be conspicuously posted in the following designated public location(s) on the following dates:

Designated Location(s)  
of posted notice

Date of Posting

Town Clerk's Bulletin Board

January 3, 1989

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town on June \_\_\_, 1989.

\_\_\_\_\_  
Town Clerk

(CORPORATE  
SEAL)

6/20/89

#454 AUTHORIZES THE CONSTRUCTION OF IMPROVEMENTS FOR THE 775  
EXTENSION 35 - WADING RIVER & AUTHORIZES THE ISSUANCE  
OF \$3,402,000 SERIAL BONDS TO PAY COST

72113-346P

At a regular meeting of the Town Board of the Town of Riverhead, Suffolk County, New York, held at the Town Hall, 200 Howell Avenue, in Riverhead, New York, in said County, on June 20, 1989, at 7:30 o'clock P.M., Prevailing Time.

The meeting was called to order by Supervisor Janoski and upon roll being called, the following were

PRESENT: Supervisor, JOSEPH F. JANOSKI  
Councilman JOHN LOMBARDI  
Councilman LOUIS BOSCHETTI  
Councilman ROBERT PIKE  
Councilwoman DENISE CIVILETTI

ABSENT:

The following resolution was offered by Councilman Boschetti  
who moved its adoption, seconded by Councilman Pike  
to-wit:

BOND RESOLUTION DATED JUNE 20, 1989.

A RESOLUTION AUTHORIZING THE CONSTRUCTION OF IMPROVEMENTS FOR EXTENSION NO. 35 - WADING RIVER TO THE RIVERHEAD WATER DISTRICT OF THE TOWN OF RIVERHEAD, SUFFOLK COUNTY, NEW YORK, AND THE ORIGINAL IMPROVEMENT AND EMBELLISHMENT OF THE RIVERHEAD WATER DISTRICT, AT AN AGGREGATE MAXIMUM ESTIMATED COST OF \$3,402,000, AND AUTHORIZING THE ISSUANCE OF \$3,402,000 SERIAL BONDS OF SAID TOWN TO PAY THE COST THEREOF.

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 12-A of the Town Law, and more particularly an order dated June 20<sup>th</sup>, 1989, the Town Board of the Town of Riverhead, Suffolk County, New York, has established Extension No. 35-Wading River to the Riverhead Water District of the Town of Riverhead;

WHEREAS, pursuant to proceedings heretofor had and taken in accordance with the provisions of Section 202-b of the Town Law, and more particularly an order dated June 20<sup>th</sup>, 1989, the Town Board of the Town of Riverhead, Suffolk County, New York, has determined it to be in the public interest to increase and improve the facilites of the Riverhead Water District of the Town of Riverhead, as extended;

WHEREAS, it is now desired to authorize the construction of a water distribution system within Extension No. 35 - Wading River, including mains, valves, hydrants and necessary improvements and appurtenances in connection therewith, a portion of which will serve the entirety of said Riverhead Water District, at a maximum estimated cost of \$680,000, and a portion of which will serve only Extension No. 35 - Wading



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River to said Riverhead Water District, at a maximum estimated cost of \$2,722,000, as more fully set forth in said order establishing said Extension No. 35 - Wading River to the Riverhead Water District and order approving the increase and improvement of the facilities of the Riverhead Water District, and to provide for the financing thereof; and

WHEREAS, all conditions precedent to the financing of the capital project hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act, have been performed; NOW, THEREFORE, BE IT

RESOLVED, by the Town Board of the Town of Riverhead, Suffolk County, New York, as follows:

Section 1. The construction of a water distribution system within Extension No. 35 - Wading River to the Riverhead Water District, including mains, valves, hydrants and necessary improvements and appurtenances in connection therewith, a portion of which will serve the entirety of said Riverhead Water District and a portion of which will serve only Extension No. 35 - Wading River to the Riverhead Water District, as more fully set forth in said order establishing said Extension No. 35 - Wading River to the Riverhead Water District and the aforesaid proceedings determining the increase and improvement of the facilities of the Riverhead Water District to be in the public interest, at an aggregate maximum estimated cost of \$3,402,000 is hereby authorized.

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Section 2. The plan for the financing of the aforesaid specific object or purpose is by the issuance of \$3,402,000 serial bonds of said Town hereby authorized to be issued pursuant to the provisions of the Local Finance Law. Further details pertaining to said bonds will be prescribed in a further resolution or resolutions of this Town Board.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific objects or purposes is forty years, pursuant to subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said Town of Riverhead, Suffolk County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on such bonds as the

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same respectively become due and payable. There shall be annually assessed upon and collected from the several lots and parcels of land within said Extension No. 35 - Wading River to the Riverhead Water District deemed benefited by the improvements therefor, so much upon and from each as shall be in just proportion to the amount of the benefit which the improvements shall confer upon the same, an amount sufficient to pay the principal and interest on \$2,722,000 of said bonds as the same become due, and there shall be annually assessed upon and collected from the several lots and parcels of land within said Riverhead Water District, as extended, deemed benefitted by the increase and improvement of facilities, so much upon and from each as shall be in just proportion to the amount of the benefit which such increase and improvement of facilities shall confer upon the same, an amount sufficient to pay the principal of and interest on \$680,000 of said bonds as the same become due, but if not paid from such source, all the taxable real property in said Town shall be subject to the levy of ad valorem taxes without limitation as to rate or amount sufficient to pay the principal of and interest on said bonds as the same shall become due.

Section 6. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or

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- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 7. This resolution, which takes effect immediately, shall be published in full in The News Review, the official newspaper, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

<u>Supervisor Janoski</u>	<u>VOTING Yes</u>
<u>Councilman Lombardi</u>	<u>VOTING Yes</u>
<u>Councilman Boschetti</u>	<u>VOTING Yes</u>
<u>Councilman Pike</u>	<u>VOTING Yes</u>
<u>Councilwoman Civiletti</u>	<u>VOTING Yes</u>

The resolution was thereupon declared duly adopted.

\* \* \* \* \*

STATE OF NEW YORK            )  
                                  )ss:  
COUNTY OF SUFFOLK         )

I, the undersigned Clerk of the Town of Riverhead, Suffolk County, New York, DO HEREBY CERTIFY:

That I have compared the annexed extract of the minutes of the meeting of the Town Board of said Town, including the resolution contained therein, held on June 20, 1989, with the original thereof on file in my office, and that the same is a true and correct transcript therefrom and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that all members of said Board had due notice of said meeting.

I FURTHER CERTIFY that, pursuant to Section 103 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public.

I FURTHER CERTIFY that, PRIOR to the time of said meeting, I duly caused a public notice of the time and place of said meeting to be given to the following newspapers and/or other news media as follows:

6/20/89

Newspaper and/or other news mediaDate given

The News Review

January 3, 1989

I FURTHER CERTIFY that PRIOR to the time of said meeting, I duly caused public notice of the time and place of said meeting to be conspicuously posted in the following designated public location(s) on the following dates:

Designated Location(s)  
of posted noticeDate of Posting

Town Clerk's Bulletin Board

January 3, 1989

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town on September \_\_, 1989.

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Town Clerk

(CORPORATE  
SEAL)

# 455 AUTHORIZES TOWN CLERK TO PUBLISH & POST PUBLIC NOTICE TO  
CONSIDER AN AMENDMENT TO SECTION 103-13.1 OF THE  
RIVERHEAD TOWN CODE

Councilperson Pike offered the following resolution, which was seconded by Councilperson Boschetti:

RESOLVED, that the Town Clerk be and is hereby authorized to publish and post the following public notice to consider amending Section 103-13.1 of the Riverhead Town Code:

TOWN OF RIVERHEAD  
PUBLIC NOTICE

PLEASE TAKE NOTICE, that a public hearing will be held on the 5th day of July, 1989, at 8:15 o'clock p.m. at Town Hall, 200 Howell Avenue, Riverhead, New York, to hear all interested persons with regard to amending Section 103-13.1 of the Riverhead Town Code as follows:

- (D) No newspapers shall be discarded at the landfill, except that newspapers may be deposited in designated containers or storage facilities maintained at the landfill.

Dated: Riverhead, New York  
June 20, 1989.

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF RIVERHEAD

IRENE J. PENDZICK, Town Clerk

\*underscore represents addition(s)  
\*\*overstrice represents deletion(s)

The vote, Boschetti, yes, Pike, yes, Civiletti, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.



# 456 APPROVES SITE PLAN OF THE HESPOS PROPERTY

Councilperson Civiletti offered the following resolution, which was seconded by Councilperson Lombardi:

WHEREAS, a site plan and planting plan were submitted by Garrett A. Strang, R.A., as agent for Thomas Hespos for the renovation of an existing structure for office use and construction of parking facilities located at south side of Main Road (New York State Route 25), 2,194' west of Colonial Drive, Aquebogue, New York, known and designated as Suffolk County Tax Map Number 0600-67-2-27; and

WHEREAS, the Planning Department has reviewed the site plan dated October 19, 1988, and most recently revised April 4, 1989, as prepared by Garrett A. Strang, R.A., P.O. Box 1412, Southold, New York, 11971, and planting plan dated in-house June 14, 1989, as prepared by John Verderber, Verderber Nursery, Main Road, Aquebogue, New York, 11931, and has recommended to the Town Board of the Town of Riverhead that said site plan application be approved; and

WHEREAS, the Environmental Quality Review Board has determined that the action is a(n) Unlisted Action without significant impact upon the environment; and

WHEREAS, based upon the Town Board's review of the Environmental Assessment Form and the proceedings had herein, the Town Board determines that the site plan applied for will be a(n) Unlisted Action without a significant impact upon the environment pursuant to the State Environmental Conservation Law and 6 NYCRR Part 617; and

WHEREAS, this Town Board has reviewed the site plan and elevations aforementioned.

NOW, THEREFORE, BE IT

RESOLVED, that the site plan and planting plan submitted by Garrett A. Strang, R.A., as agent for Thomas Hespos, for the the renovation of an existing structure for office use and construction of parking facilities, located at south side of Main Road (New York State Route 25), 2,194' west of Colonial Drive, Aquebogue, New York, site plan dated October 19, 1988, and most recently revised April 4, 1989, as prepared by Garrett A. Strang, R.A., P.O. Box 1412, Southold, New York, 11971, and planting plan dated in-house June 14, 1989, as prepared by John Verderber, Verderber Nursery, Main Road, Aquebogue, New York, 11931, be and are hereby approved by the Town Board of the Town of Riverhead, subject to the following:

1. That the provisions of the Riverhead Town Code, which are not addressed by this resolution, or other official

action of the Town shall, at all times, be complied with by the owner of the property covered by this site plan;

2. That a covenant containing all the limitations and provisions of these approvals contained in this resolution, in a form as attached, shall be recorded with the Suffolk County Clerk and a copy of such recorded covenant shall be filed with the Riverhead Town Clerk. This resolution shall not become effective until such covenant is duly recorded with the Suffolk County Clerk's Office and filed with the Riverhead Town Clerk;

3. That the form, design, location and color of all signage shall be submitted to the Town Board for its review and approval pursuant to the site plan process and the sign permit procedure prior to being installed at the property; that all signage so proposed shall be coordinated in appearance and design; and that all provisions of Section 108-56 of the Riverhead Town Code shall be complied with;

4. No lighting shall be installed or adjusted in such a way as to cause direct glare on neighboring properties or adjoining highways;

5. That the applicant is familiar with the Riverhead Town Code, Chapter 96, entitled, "Trash, Rubbish and Refuse Disposal", and agrees to abide by same;

6. That receptacles of a decorative design, approved by the Planning Department prior to their installation at the site, shall be maintained on the premises;

7. Parking, paving and drainage shall be provided pursuant to specifications outlined in the Riverhead Town Code;

8. That the parking area shall be maintained pursuant to specifications outlined in the Riverhead Town Code;

9. That adequate parking for the handicapped, pursuant to State and Federal law, shall be provided and that each handicap stall shall be designated by an individual sign erected on a stanchion stating, "No Parking, Handicap Only", and the universal symbol affixed thereto. Further, by execution and filing of this document, THOMAS HESPOS hereby authorizes the Town of Riverhead to enter premises at south side of Main Road (New York State Route 25), 2,194' west of Colonial Drive, Aquebogue, New York, to enforce said handicapped parking regulations;

10. That any and all landscaped and paved areas shall be regularly maintained in an orderly and professional manner and kept free of weeds and litter; and that any planters, planter boxes, window boxes or other container plantings shall likewise be maintained on a year-round basis;

11. That, insofar as the only external changes to be made to the exterior of the building will be for the purpose of providing handicap access in the form of ramps and doors, and will be in keeping with the traditional character of the building, the requirement for elevation drawings be, and hereby is, waived; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Garrett A. Strang, R.A., Thomas Hespos, the Riverhead Planning Department, the Riverhead Building Department, and the Office of the Town Attorney.

The vote, Boschetti, yes, Pike, yes, Civiletti, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

**DECLARATION AND COVENANTS**

THIS DECLARATION, made the \_\_\_\_\_ day of \_\_\_\_\_, 1989, made by THOMAS HESPOS, residing at Main Road, Aquebogue, New York, 11931, Declarant.

**W I T N E S S E T H:**

WHEREAS, Declarant is the owner of certain real property situate in the Town of Riverhead, Suffolk County, New York, more particularly bounded and described as set forth in SCHEDULE "A" annexed hereto, as provided by Declarant; and

WHEREAS, for and in consideration of the granting of said site plan, the Town Board of the Town of Riverhead has deemed it to be in the best interests of the Town of Riverhead, and the owner and prospective owners of said parcel, that the within covenants and restrictions be imposed on said parcel, and as a condition of granting said site plan and said Town Board has required that the within Declaration be recorded in the Suffolk County Clerk's Office; and

WHEREAS, Declarant has considered the foregoing and determined that same will be in the best interest of the Declarant and subsequent owners of said parcel.

**NOW, THEREFORE, THIS DECLARANT WITNESSETH:**

That Declarant, for the purpose of carrying out the intentions above expressed, does hereby make known, admit, publish, covenant and agree that the said premises herein described shall hereafter be subject to the following covenants which shall run with the land, and shall be binding upon all purchasers and holders of said premises, their heirs, executors, legal representatives, distributees, successors and assigns; to wit:

1. That the provisions of the Riverhead Town Code, which are not addressed by this resolution, or other official action of the Town shall, at all times, be complied with by the owner of the property covered by this site plan;

2. That the form, design, location and color of all signage shall be submitted to the Town Board for its review and approval pursuant to the site plan process and the sign permit procedure prior to being installed at the property; that all signage so proposed shall be coordinated in appearance and design; and that all provisions of Section 108-56 of the Riverhead Town Code shall be complied with;

3. No lighting shall be installed or adjusted in such a way as to cause direct glare on neighboring properties or adjoining highways;

NOTARY PUBLIC

# 457     APPOINTS ENGINEERING CONSULTANT RE: EAST GATE COUNTRY  
ESTATES RECHARGE BASIN

Councilperson Lombardi offered the following resolution, which was seconded by Councilperson Civiletti:

WHEREAS, East Gate Country Estates, pursuant to a resolution of the Riverhead Planning Board, did post a performance bond for the completion of certain improvements to real property, specifically a recharge basin for drainage purposes; and

WHEREAS, said East Gate Country Estates has failed to complete the recharge basin.

NOW, THEREFORE, BE IT

RESOLVED, that in order for the Town Board of the Town of Riverhead to order the completion of the recharge basin located in the subdivision known as "East Gate Country Estates", the said Town Board hereby appoints John I. Johnsen, P.E. of Louis K. McLean Associates, P.C., to conduct an engineering study of the recharge basin; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to John I. Johnsen, P.E., the Riverhead Highway Department and the Town Attorney's Office.

The vote, Boschetti, yes, Pike, yes, Civiletti, yes, Lombardi, Yes, Janoski, yes.

Resolution was thereupon duly declared adopted.

# 458 APPROVES APPLICATION OF RIVERHEAD ELKS LODGE #2044 TO  
HOLD CARNIVAL AND BAZAAR

Councilperson Boschetti offered the following resolution, which was seconded by Councilperson Pike:

WHEREAS, the Riverhead Elks Lodge #2044 submitted an application to hold a carnival and bazaar to be held at the Riverhead Elks Lodge located at East Main Street, Riverhead, New York, from June 28, 1989 through July 2, 1989; and

WHEREAS, a certificate of insurance has been received and filed with the Town Clerk pursuant to Section 90-13 of the Riverhead Town Code.

NOW, THEREFORE, BE IT

RESOLVED, that the application of the Riverhead Elks Lodge #2044 to hold a carnival and bazaar at the Riverhead Elks Lodge located at East Main Street, Riverhead, New York, from June 28, 1989 through July 2, 1989, be and is hereby approved subject to the following conditions:

1. That the applicant forward to the Town Clerk a diagram showing the layout of the site; which layout must be designed to reduce the level and volume of noise.

2. That the property to the rear which is being used for the carnival be fenced in with snow fence;

3. That the Riverhead Elks Lodge #2044 shall be responsible for on-premises security;

4. That the hours of operation shall be as follows:

Sunday - 5:00 p.m. to 11:30 p.m.

All other days - 6:00 p.m. to 11:30 p.m.

and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this application to the Riverhead Elks Lodge #2044, the Town Attorney's Office and the Riverhead Police Department.

The vote, Boschetti, yes, Pike, yes, Civiletti, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

TABLED

# 459

AUTHORIZES SMITH, FINKELSTEIN, LUNDBERG, ISLER &  
YAKABOSKI TO DEFEND THE TOWN OF RIVERHEAD

Councilperson Pike offered the following resolution, which was seconded by Councilperson Civiletti :  
/to be tabled,

RESOLVED, that the law firm of Smith, Finkelstein, Lundbert, Isler & Yakaboski be and are hereby appointed special counsel, at the rate filed with the Town Clerk, to defend the Town of Riverhead in the matter of the alleged violations of Articles 27 and 71 of the New York State Environmental Conservation Law and Part 360 of Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Smith, Finkelstein, Lundberg, Isler & Yakaboski and the Town Attorney's Office.

The vote, Boschetti, yes, Pike, yes, Civiletti, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared TABLED.



# 460    ACCEPTS RESIGNATION OF VINCENT GIANNI

Councilperson Pike offered the following resolution, which was seconded by Councilperson Civiletti :

**WHEREAS**, Vincent Gianni has forwarded to Chief Lawrence Grattan, Chief of the Police Department of the Town of Riverhead, his formal resignation, effective June 8, 1989; and

**WHEREAS**, it is the desire of this Town Board to accept said resignation.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Riverhead hereby accepts the resignation of Vincent Gianni, Police Officer of the Police Department of the Town of Riverhead; and be it further

**RESOLVED**, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Vincent Gianni, C/o Reynold A. Mauro, Esq., 353 Veterans Memorial Highway, Commack, New York, 11725; Chief Lawrence Grattan, Riverhead Police Department; and the Town Attorney's Office.

The vote, Boschetti, yes, Pike, yes, Civiletti, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

# 461 APPROVES BUDGET ALLOCATION FOR CAPITAL IMPROVEMENTS FOR  
VAIL-LEAVITT MUSIC HALL

Councilperson Pike offered the following resolution, which was seconded by Councilperson Civiletti:

**WHEREAS**, the Town of Riverhead did establish a parks and recreation fee of two thousand dollars (\$2,000.) per lot for all subdivisions to be set aside in a separate fund; and

**WHEREAS**, the Vail-Leavitt Music Hall is a performing arts center created for educational, recreational and cultural purposes with historic character; and

**WHEREAS**, approximately two hundred thousand dollars (\$200,000.) has been deposited into the parks and recreation fee account and approximately seven hundred thirty-two thousand dollars (\$732,000.) in security has been allocated to a Capital Improvements account.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the following budget allocating a portion of the fees be and is hereby adopted:

Established Revenues:

Parks and Recreation Fees \$35,000

Appropriations:

Vail-Leavitt Music Hall Property  
 Matching Grant Program \$35,000.00

and be it further

**RESOLVED**, that the above budget allocation to Vail-Leavitt Music Hall property is conditioned as follows:

That the Vail-Leavitt Music Hall property shall be transferred, without conditions on or before June 30, 1989, to the Town of Riverhead for participation in the New York State Parks, Recreation and Historic Preservation \$300,000 Matching Grant Program.

and be it further

**RESOLVED**, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Vail-Leavitt Music Hall, Inc.; Stanley Grodski, Superintendent of the Recreation Department; Richard Hanley, Director, Planning Department; and the Town Attorney's Office.

The vote, Boschetti, no, Pike, yes, Civiletti, yes, Lombardi, no, Janoski, yes.

The resolution was thereupon duly declared adopted.

# 462

APPROVES BUDGET ALLOCATION FOR CAPITAL IMPROVEMENTS FOR  
WADING RIVER BEACH

Councilperson Pike offered the following resolution, which was seconded by Councilperson Boschetti:

WHEREAS, the Town of Riverhead did establish a parks and recreation fee of two thousand dollars (\$2,000.) per lot for all subdivisions to be set aside in a separate fund; and

WHEREAS, the Wading River Beach, Wading River boat ramp and Wading River Pond are Town recreational facilities; and

WHEREAS, approximately two hundred thousand dollars (\$200,000.) has been deposited into the parks and recreation fee account and approximately seven hundred thirty-two thousand dollars (\$732,000.) in security has been allocated to a Capital Improvements account.

NOW, THEREFORE, BE IT

RESOLVED, that the following budget allocating a portion of the fees be and is hereby adopted:

Established Revenues:	\$40,000
Parks and Recreation Fees	
Appropriations:	
Wading River Boat Ramp, Beach & Pond Improvements	\$40,000.00

and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Stanley Grodski, Superintendent of the Recreation Department; Richard Hanley, Director, Planning Department; and the Town Attorney's Office.

The vote, Boschetti, yes, Pike, yes, Civiletti, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

# 463      APPROVES BUDGET ALLOCATION FOR CAPITAL IMPROVEMENTS FOR  
IRON PIER BEACH

Councilperson Pike offered the following resolution, which was seconded by Councilperson Boschetti:

WHEREAS, the Town of Riverhead did establish a parks and recreation fee of two thousand dollars (\$2,000.) per lot for all subdivisions to be set aside in a separate fund; and

WHEREAS, Iron Pier Beach is a Town recreational facility; and

WHEREAS, approximately two hundred thousand dollars (\$200,000.) has been deposited into the parks and recreation fee account and approximately seven hundred thirty-two thousand dollars (\$732,000.) in security has been allocated to a Capital Improvements account.

NOW, THEREFORE, BE IT

RESOLVED, that the following budget allocating a portion of the fees be and is hereby adopted:

Established Revenues:

Parks and Recreation Fees                      \$40,000.00

Appropriations:

Iron Pier Beach Improvements                      \$40,000.00

and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Stanley Grodski, Superintendent of the Recreation Department; Richard Hanley, Director, Planning Department; and the Town Attorney's Office.

The vote, Boschetti, yes; Pike, yes, Civiletti, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.